

EXHIBIT 3

REVISED REDACTIONS

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

--oOo--

NEELAM SANDHU,

Plaintiff,

vs.

Case No.

3:24-cv-02002-SK

BLACKBERRY CORPORATION,

a Delaware corporation,

Defendant.

_____/

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VIDEO-RECORDED DEPOSITION OF NEELAM SANDHU

SAN FRANCISCO, CALIFORNIA

FRIDAY, AUGUST 22, 2025

Reported by:

Anrae Wimberley, CSR No. 7778

Job No. 7525313

<p>1 UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF CALIFORNIA 3 --oOo-- 4 NEELAM SANDHU, 5 Plaintiff, 6 vs. Case No. 3:24-cv-02002-SK 7 BLACKBERRY CORPORATION, a Delaware corporation, 8 Defendant. 9 _____/ 10 11 12 13 CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 14 15 16 Transcript of video-recorded deposition 17 of NEELAM SANDHU, taken at Munger, Tolles & Olson 18 LLP, 560 Mission Street, 27th Floor, San Francisco, 19 California 94105, beginning at 10:33 a.m. and ending 20 at 7:43 p.m. on FRIDAY, AUGUST 22, 2025, before 21 Anrae Wimberley, Certified Shorthand Reporter No. 22 7778. 23 24 25</p> <p style="text-align: right;">Page 2</p>	<p>1 INDEX 2 EXAMINATION BY: PAGE 3 MR. LAVOIE 9 4 --oOo-- 5 E X H I B I T S 6 EXHIBIT DESCRIPTION PAGE 7 Exhibit 1 E-mail to Nita White-Ivy 18 from Neelam Sandhu, dated 8 2/6/23; Bates stamped BB13-00004373 to 9 BB13-00004374 10 Exhibit 2 Photo of text thread; Bates 22 stamped DOE-0001547 through DOE-0001548 11 12 Exhibit 3 Plaintiff's Second Amended 57 Responses to Defendant BlackBerry Corporation's Interrogatories, Set One; 14 no Bates stamps, 24 pages 15 Exhibit 4 Plaintiff's Interrogatories 92 to Defendant BlackBerry Corporation, Set Two; no Bates stamps, 3 pages 17 Exhibit 5 E-mail chain dated 96 18 10/5/2021; Bates stamped BB13-00019925 through BB13-00019926 19 20 Exhibit 6 E-mail chain; Bates stamped 104 BB13-00019983 through BB13-00019984 21 22 Exhibit 7 E-mail chain; Bates stamped 112 BB13-00012471 through BB13-00012474 23 24 Exhibit 8 E-mail dated 10/14/2021; 157 Bates stamped BB13-00005838 through BB13-00005840 25</p> <p style="text-align: right;">Page 4</p>
<p>1 APPEARANCES: 2 For Plaintiff: 3 GOMERMAN BOURN & ASSOCIATES 4 BY: MARIA BOURN, ESQ. 5 825 Van Ness Avenue, Suite 502 6 San Francisco, California 94109 7 (888) 855-2505 8 maria@gobolaw.com 9 10 For Defendant: 11 MUNGER, TOLLES & OLSON, LLP 12 BY: CRAIG JENNINGS LAVOIE, ESQ. 13 LAUREN BECK, ESQ. 14 350 South Grand Avenue, 50th Floor 15 San Francisco, California 90071-3426 16 (213) 683-9100 17 craig.lavoie@mto.com 18 lauren.beck@mto.com 19 20 Also present: 21 MAGGIE MAYO, Vice President, Head of 22 Litigation with BlackBerry Corporation 23 24 REILLY LEET, VIDEOGRAPHER 25 --oOo--</p> <p style="text-align: right;">Page 3</p>	<p>1 E X H I B I T S (Cont'd) 2 EXHIBIT DESCRIPTION PAGE 3 Exhibit 9 Short Message Report, Date 157 range 10/20/2021; Bates 4 stamped BB13-00010802 through BB13-00010803 5 Exhibit 10 Two photos and a street map 157 6 labeled "THE LOT City Center," 2 pages 7 Exhibit 11 E-mail dated 3/26/2023; 174 8 Bates stamped BB13-00012835 9 Exhibit 12 E-mail dated 12/15/2021; 181 Bates stamped BB13-00005921 10 Exhibit 13 E-mail chain dated 181 11 12/19/2021; Bates stamped BB13-00005924 12 Exhibit 14 E-mail dated 12/22/2021; 181 13 Bates stamped BB13-00005945 14 Exhibit 15 E-mail chain dated 181 12/22/2021; Bates stamped 15 BB13-00005952 through BB13-00005953 16 Exhibit 16 Photo of text thread; Bates 181 17 stamped DOE-0001529 through DOE-0001530 18 Exhibit 17 E-mail chain; Bates stamped 206 19 BB13-00005971 through BB13-00005973 20 Exhibit 18 E-mail dated 1/18/2022; 206 21 Bates stamped BB13-00005991 22 Exhibit 19 Photo of text thread; Bates 206 stamped DOE-0001531 through DOE-0001532 23 24 Exhibit 20 Photo of text thread; Bates 215 stamped DOE-0001535 25</p> <p style="text-align: right;">Page 5</p>

<p>1 EXHIBITS (Cont'd)</p> <p>2 EXHIBIT DESCRIPTION PAGE</p> <p>3 Exhibit 21 E-mail chain dating from 216</p> <p>4 11/10/21 to 1/20/22; Bates</p> <p>5 stamped BB13-00019951</p> <p>6 through BB13-00019963</p> <p>7</p> <p>8 Exhibit 22 E-mail chain, Subject: BB 218</p> <p>9 Cyber Security Weekly</p> <p>10 Leadership Team Call; Bates</p> <p>11 stamped BB13-00007161</p> <p>12 through BB13-00007162</p> <p>13</p> <p>14 Exhibit 23 Photo of text thread; Bates 227</p> <p>15 stamped DOE-0001542 through</p> <p>16 DOE-0001543</p> <p>17</p> <p>18 Exhibit 24 Chat dating from 9/14/23 to 263</p> <p>19 12/10/23; Bates stamped</p> <p>20 BB13-00018995 through</p> <p>21 BB13-00019002</p> <p>22 Exhibit 25 E-mail chain dating from 291</p> <p>23 10/17/23 to 11/2/23; no</p> <p>24 Bates stamp, 7 pages</p> <p>25 Exhibit 26 Photo of text thread; Bates 315</p> <p>stamped DOE-0001539</p> <p>Exhibit 27 Progress Notes by Michael 331</p> <p>Schierman at PrimaryCare</p> <p>Services; Bates stamped</p> <p>DOE-000836 through</p> <p>DOE-000850</p> <p>--oOo--</p> <p>REPORTER'S NOTE: All quotations from exhibits are</p> <p>reflected in the manner in which they were read into</p> <p>the record and do not necessarily indicate an exact</p> <p>quote from the document.</p> <p>--oOo--</p> <p>Page 6</p>	<p>1 FRIDAY, AUGUST 22, 2025;</p> <p>2 SAN FRANCISCO, CALIFORNIA;</p> <p>3 10:33 A.M.</p> <p>4 - - -</p> <p>5 THE VIDEOGRAPHER: Good morning. We are going 10:33:09</p> <p>6 on the record at 10:33 a.m. on August 22nd, 2025.</p> <p>7 Please note that the microphones are sensitive and</p> <p>8 may pick up whispering and private conversations.</p> <p>9 Please mute your phones at this time. Audio and</p> <p>10 video recording will continue to take place unless 10:33:31</p> <p>11 all parties agree to go off the record.</p> <p>12 This is Media Unit 1 of the video-recorded</p> <p>13 deposition of Neelam Sandhu taken by counsel for</p> <p>14 defendant in the matter of Neelam Sandhu versus</p> <p>15 BlackBerry Corporation filed in the United States 10:33:51</p> <p>16 District Court for the Northern District of</p> <p>17 California, Case No. 3:24-cv-02002-SK.</p> <p>18 The location of the deposition is 560</p> <p>19 Mission Street, 27th Floor, San Francisco,</p> <p>20 California 94105. 10:34:17</p> <p>21 My name is Reilly Leet representing</p> <p>22 Veritext Legal Solutions and I'm the videographer.</p> <p>23 I'm not related to any party in this action nor am I</p> <p>24 financially interested in the outcome.</p> <p>25 Counsel will now state their appearances 10:34:38</p> <p>Page 8</p>
<p>1 QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:</p> <p>2 PAGE LINE</p> <p>3 212 16</p> <p>4 256 14</p> <p>5 257 5</p> <p>6 274 15</p> <p>7 338 25</p> <p>8 340 9</p> <p>9 340 16</p> <p>10 341 6</p> <p>11 342 1</p> <p>12 343 16</p> <p>13 344 2</p> <p>14 344 5</p> <p>15 346 9</p> <p>16 --oOo--</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 7</p>	<p>1 and affiliation for the record, beginning with the 10:34:40</p> <p>2 noticing attorney.</p> <p>3 MR. LAVOIE: Craig Jennings Lavoie, here</p> <p>4 alongside my colleague, Lauren Beck, of Munger,</p> <p>5 Tolles & Olson representing defendant BlackBerry. 10:34:51</p> <p>6 MS. BOURN: Maria Bourn on behalf of plaintiff.</p> <p>7 MR. LAVOIE: And also present is Maggie Mayo,</p> <p>8 in-house counsel for BlackBerry.</p> <p>9 THE VIDEOGRAPHER: Thank you.</p> <p>10 Will the court reporter please introduce 10:35:03</p> <p>11 yourself and administer the oath to the witness and</p> <p>12 then counsel may proceed.</p> <p>13 THE REPORTER: We are on the record. My name</p> <p>14 is Anrae Wimberley, CSR No. 7778. And I will now</p> <p>15 swear in the witness. 10:35:09</p> <p>16 NEELAM SANDHU,</p> <p>17 sworn in personally as a witness by the Certified</p> <p>18 Shorthand Reporter, testified as follows:</p> <p>19 EXAMINATION</p> <p>20 BY MR. LAVOIE: 10:35:10</p> <p>21 Q. Ms. Sandhu, good morning.</p> <p>22 A. Good morning.</p> <p>23 Q. You understand that you've taken an oath</p> <p>24 to tell the complete truth in response to any</p> <p>25 questions today; correct? 10:35:44</p> <p>Page 9</p>

<p>1 A. Yes. 10:35:45</p> <p>2 Q. And you understand that the oath you just</p> <p>3 swore to tell the truth is the same oath that you</p> <p>4 will swear when you appear before the judge and jury</p> <p>5 in this case at trial. 10:35:54</p> <p>6 Do you understand that?</p> <p>7 A. Yes.</p> <p>8 Q. Is there any reason is, such as being</p> <p>9 under the effect of a medication, that you can't</p> <p>10 give your most accurate testimony today? 10:36:01</p> <p>11 A. No.</p> <p>12 Q. What was your first position at BlackBerry</p> <p>13 that was an executive position?</p> <p>14 A. I first joined the CEO's direct reports</p> <p>15 leadership team as director of business operations, 10:36:18</p> <p>16 office of the CEO, which was the chief of staff</p> <p>17 role. That was in, I want to say -- I want to say</p> <p>18 2014. I don't remember the date exactly.</p> <p>19 Q. So you would have started describing</p> <p>20 yourself or conceptualizing yourself as a BlackBerry 10:36:33</p> <p>21 executive in 2014?</p> <p>22 A. I would say a CEO direct report. I think</p> <p>23 my contract said leadership team member or something</p> <p>24 along those lines, yes.</p> <p>25 Q. Yes. My question is a little different. 10:36:48</p> <p style="text-align: right;">Page 10</p>	<p>1 BlackBerry CEO or were you not? 10:38:15</p> <p>2 A. I was still -- yeah, I was doing some of</p> <p>3 the business operations type of work, yes.</p> <p>4 Q. Were you ever Dick Lynch's chief of staff?</p> <p>5 A. No. 10:38:27</p> <p>6 Q. Not either formally by title or</p> <p>7 informally; right?</p> <p>8 A. Correct.</p> <p>9 Q. One of the things you say in your</p> <p>10 complaint in this case is that you had a, quote, 10:38:36</p> <p>11 significantly smaller team than John Giamatteo had;</p> <p>12 is that accurate?</p> <p>13 A. That's correct.</p> <p>14 Q. Why is that -- sorry.</p> <p>15 In what way did you have a significantly 10:38:47</p> <p>16 smaller team than John Giamatteo?</p> <p>17 A. The number of employees.</p> <p>18 Q. Can you elaborate on that?</p> <p>19 A. That is the answer. I had less number of</p> <p>20 employees than he did. 10:38:59</p> <p>21 Q. Fewer employees who reported up to you</p> <p>22 directly or indirectly?</p> <p>23 A. Correct.</p> <p>24 Q. Approximately how many employees at the</p> <p>25 time -- at the most during your time at BlackBerry 10:39:07</p> <p style="text-align: right;">Page 12</p>
<p>1 When would you have started conceiving of yourself, 10:36:50</p> <p>2 or telling colleagues or telling friends, "I'm an</p> <p>3 executive at BlackBerry," what year would that have</p> <p>4 been true?</p> <p>5 A. Likely 2020 when I got the customer role, 10:37:01</p> <p>6 customer-facing role.</p> <p>7 Q. And did you have any positions that you</p> <p>8 considered to be executive positions prior to when</p> <p>9 you joined BlackBerry?</p> <p>10 MS. BOURN: Objection; vague and ambiguous. 10:37:17</p> <p>11 You can answer.</p> <p>12 THE WITNESS: Prior to BlackBerry, no.</p> <p>13 BY MR. LAVOIE:</p> <p>14 Q. Okay. So for what period of time were you</p> <p>15 John Chen's or the CEO's chief of staff? 10:37:28</p> <p>16 A. From around -- sometime in 2014, I</p> <p>17 believe, if I remember the date correctly, through</p> <p>18 to -- I was doing that role through to really when I</p> <p>19 left the company. When I became CMO, that was taken</p> <p>20 out of my title because my title was fairly long. 10:37:55</p> <p>21 But he asked me to continue doing some of the</p> <p>22 responsibilities but it was officially taken out of</p> <p>23 my title.</p> <p>24 Q. So before you had the CMO role, let's say</p> <p>25 in early 2023, were you the chief of staff to 10:38:10</p> <p style="text-align: right;">Page 11</p>	<p>1 did you have reporting up to you directly or 10:39:12</p> <p>2 indirectly?</p> <p>3 MS. BOURN: Can you repeat that question back?</p> <p>4 MR. LAVOIE: No. I can ask it again.</p> <p>5 THE WITNESS: Sure. 10:39:20</p> <p>6 BY MR. LAVOIE:</p> <p>7 Q. What is the greatest number of employees</p> <p>8 that you ever had reporting up to you directly or</p> <p>9 indirectly at BlackBerry at any point in time?</p> <p>10 A. I don't recall the exact number, but it 10:39:29</p> <p>11 would have been less than 100.</p> <p>12 Q. Fewer than 100?</p> <p>13 A. (Nods head affirmatively.)</p> <p>14 Q. And was that period of time when you had</p> <p>15 the most when you were both CMO and the head of the 10:39:38</p> <p>16 elite customer success group?</p> <p>17 A. Correct.</p> <p>18 Q. To your understanding, approximately how</p> <p>19 many employees did John Giamatteo have who reported</p> <p>20 directly or indirectly up to him? 10:39:54</p> <p>21 A. I don't recall. It was more than I had.</p> <p>22 Q. Best estimate more than 200, more than</p> <p>23 400, more than 600?</p> <p>24 MS. BOURN: Calls for speculation vague and</p> <p>25 ambiguous as to time, overly broad. 10:40:06</p> <p style="text-align: right;">Page 13</p>

<p>1 BY MR. LAVOIE: 10:40:08</p> <p>2 Q. In 2023 after you took on the CMO role and</p> <p>3 you also had the customer success role, what was</p> <p>4 your understanding at that time as to how many</p> <p>5 employees in total reported up to John Giamatteo, 10:40:21</p> <p>6 directly or indirectly? Just your best estimate.</p> <p>7 It could be a range.</p> <p>8 MS. BOURN: Calls for speculation.</p> <p>9 THE WITNESS: I have no idea. It was more than</p> <p>10 I had. It was a bigger team. 10:40:32</p> <p>11 BY MR. LAVOIE:</p> <p>12 Q. So you were the chief of staff for the CEO</p> <p>13 for BlackBerry for a decade and you have no idea how</p> <p>14 many reported up directly or indirectly to John</p> <p>15 Giamatteo in 2023? 10:40:43</p> <p>16 MS. BOURN: Argumentative.</p> <p>17 BY MR. LAVOIE:</p> <p>18 Q. That's my question. You were the chief of</p> <p>19 staff to the CEO of the company for 10 years and</p> <p>20 it's your sworn testimony that you have no idea how 10:40:50</p> <p>21 many people reported up directly or indirectly to</p> <p>22 John Giamatteo in 2023?</p> <p>23 MS. BOURN: Argumentative, calls for</p> <p>24 speculation, vague and ambiguous.</p> <p>25 You can answer if you know. 10:41:01</p> <p style="text-align: right;">Page 14</p>	<p>1 up to him? 10:41:51</p> <p>2 A. I would be speculating.</p> <p>3 Q. You can't give me your best estimate more</p> <p>4 or fewer than 500?</p> <p>5 A. Not at this time. 10:41:59</p> <p>6 Q. So as part of your experience being the</p> <p>7 chief of staff to the CEO of BlackBerry, you didn't</p> <p>8 have any insight into how many people approximately</p> <p>9 reported to the president of BlackBerry's</p> <p>10 cybersecurity unit? 10:42:10</p> <p>11 MS. BOURN: Asked and answered three separate</p> <p>12 times now.</p> <p>13 THE WITNESS: If you had asked me when I worked</p> <p>14 there, I would have been able to answer the</p> <p>15 question. 10:42:17</p> <p>16 BY MR. LAVOIE:</p> <p>17 Q. So it's something that you think you could</p> <p>18 have answered for me in 2023 but today you have no</p> <p>19 idea?</p> <p>20 A. Correct. I wouldn't want to speculate. 10:42:23</p> <p>21 Q. When BlackBerry reported its revenue and</p> <p>22 earnings results to the public and to investors, did</p> <p>23 BlackBerry separate revenue from elite customers</p> <p>24 from revenue that was generated by non-elite</p> <p>25 customers? 10:42:51</p> <p style="text-align: right;">Page 16</p>
<p>1 THE WITNESS: I haven't worked there for over 10:41:03</p> <p>2 18 months now. I don't recall.</p> <p>3 BY MR. LAVOIE:</p> <p>4 Q. You don't remember how many people</p> <p>5 reported up to him? You can't even give me any kind 10:41:10</p> <p>6 of estimate? You can't say whether it was more --</p> <p>7 you think best estimate it was more than 500 or</p> <p>8 fewer than 500, you can't answer that?</p> <p>9 MS. BOURN: Asked and answered. I suggest</p> <p>10 that -- 10:41:21</p> <p>11 MR. LAVOIE: No, Maria. Stop with the speaking</p> <p>12 objections. You're entitled to a short and plain</p> <p>13 statement of your objection. You're not entitled to</p> <p>14 a speaking objection.</p> <p>15 MS. BOURN: Please note, for the record, 10:41:27</p> <p>16 defense counsel is raising his voice and pointing at</p> <p>17 me and not letting me complete my objection. And we</p> <p>18 are seven minutes into the deposition already.</p> <p>19 You can answer if you know.</p> <p>20 THE WITNESS: My answer is it was more than I 10:41:39</p> <p>21 had.</p> <p>22 BY MR. LAVOIE:</p> <p>23 Q. Best estimate, in 2023, was it your</p> <p>24 understanding that John Giamatteo had more or fewer</p> <p>25 than 500 employees directly or indirectly reporting 10:41:47</p> <p style="text-align: right;">Page 15</p>	<p>1 MS. BOURN: Vague and ambiguous as to time. 10:42:55</p> <p>2 (Reporter seeks clarification.)</p> <p>3 THE WITNESS: I asked if he could clarify the</p> <p>4 question, please.</p> <p>5 BY MR. LAVOIE: 10:43:09</p> <p>6 Q. At any point in time when you were at</p> <p>7 BlackBerry and leading the elite customer success</p> <p>8 group, BlackBerry made SEC reports about its</p> <p>9 earnings; right?</p> <p>10 A. Correct. 10:43:21</p> <p>11 Q. While BlackBerry was reporting its</p> <p>12 earnings and you led the elite customer group, did</p> <p>13 BlackBerry separate in its earnings reports the</p> <p>14 revenue and earnings that it got from elite</p> <p>15 customers from non-elite customers? 10:43:30</p> <p>16 MS. BOURN: Vague and ambiguous as to time,</p> <p>17 calls for speculation.</p> <p>18 You can answer if you know.</p> <p>19 THE WITNESS: It did not.</p> <p>20 BY MR. LAVOIE: 10:43:40</p> <p>21 Q. It did not. Okay.</p> <p>22 MR. LAVOIE: And, Marie, you don't need to tell</p> <p>23 her that she can answer if she knows. That just</p> <p>24 eats up time on the clock. And so that's obviously</p> <p>25 understood. 10:43:47</p> <p style="text-align: right;">Page 17</p>

<p>1 BY MR. LAVOIE: 10:43:48</p> <p>2 Q. Unless your counsel gives you an</p> <p>3 instruction not to answer a question, you can answer</p> <p>4 notwithstanding her objection.</p> <p>5 So you were never disciplined, written up, 10:43:56</p> <p>6 or put on a performance improvement plan at</p> <p>7 BlackBerry; correct?</p> <p>8 A. Correct.</p> <p>9 Q. Did you ever receive a performance review</p> <p>10 that was negative overall? 10:44:06</p> <p>11 A. I received performance reviews that were,</p> <p>12 as anybody would, had positive feedback and then</p> <p>13 constructive feedback. That's the purpose of</p> <p>14 performance reviews.</p> <p>15 Q. That wasn't my question. 10:44:19</p> <p>16 My question was, did you ever receive a</p> <p>17 performance review at BlackBerry that you perceived</p> <p>18 as being negative overall?</p> <p>19 MS. BOURN: Asked and answered, vague and</p> <p>20 ambiguous as to time. 10:44:28</p> <p>21 THE WITNESS: No.</p> <p>22 MR. LAVOIE: I'd like to introduce Exhibit 1,</p> <p>23 which is Tab 39 in my binder, which means nothing to</p> <p>24 anyone other than me and Lauren.</p> <p>25 (Deposition Exhibit 1 was marked.) 10:44:56</p> <p style="text-align: right;">Page 18</p>	<p>1 that. You're not entitled to do that. So I'm going 10:46:11</p> <p>2 to ask you not to do that again.</p> <p>3 BY MR. LAVOIE:</p> <p>4 Q. So Ms. Sandhu, do you see the sentence</p> <p>5 that says, "I do not report to him"? 10:46:18</p> <p>6 That's a reference to John Giamatteo;</p> <p>7 correct?</p> <p>8 A. I need a moment to read it.</p> <p>9 Q. Ms. Sandhu, I'm just asking you about a</p> <p>10 sentence in the first paragraph here. 10:46:37</p> <p>11 Have you read three sentences into the</p> <p>12 document yet?</p> <p>13 MS. BOURN: Please stop interrupting her. She</p> <p>14 can read the document.</p> <p>15 MR. LAVOIE: No, Maria. Stop making speaking 10:46:46</p> <p>16 objections. Stop putting things in the record.</p> <p>17 Stop eating up time.</p> <p>18 BY MR. LAVOIE:</p> <p>19 Q. I'm just asking you about the third</p> <p>20 sentence in the e-mail and I'm saying have you read 10:46:54</p> <p>21 this sentence, "I do not report to him so I do not</p> <p>22 consider him to have any authority over my role"?</p> <p>23 Have you read that yet?</p> <p>24 MS. BOURN: I will assert my objections as I</p> <p>25 see necessary for the record, and she's entitled to 10:47:05</p> <p style="text-align: right;">Page 20</p>
<p>1 BY MR. LAVOIE: 10:45:10</p> <p>2 Q. So this is an e-mail at the top that you</p> <p>3 wrote to Nita White-Ivy on February 6, 2023.</p> <p>4 Do you see that?</p> <p>5 A. I see that. 10:45:20</p> <p>6 Q. And in the opening paragraph in the second</p> <p>7 sentence you write -- or sorry, in the third</p> <p>8 sentence you say, "I do not report to him," that</p> <p>9 being John Giamatteo, "so I do not consider him to</p> <p>10 have any authority over my role." 10:45:36</p> <p>11 Do you see that?</p> <p>12 A. I'll read it.</p> <p>13 MS. BOURN: And for the record, this is Bates</p> <p>14 labeled 4373 dated February 6, 2023.</p> <p>15 MR. LAVOIE: Maria, Maria, you're not going to 10:45:48</p> <p>16 read Bates numbers into the record and eat time</p> <p>17 doing that.</p> <p>18 MS. BOURN: With a designation as "Attorneys'</p> <p>19 Eyes Only."</p> <p>20 MR. LAVOIE: Maria, that is improper. So I'm 10:45:57</p> <p>21 going to ask you not to do that.</p> <p>22 MS. BOURN: Please don't point at me.</p> <p>23 MR. LAVOIE: No. Maria, I'm not pointing at</p> <p>24 you. And I'm going to ask you to stop obstructing</p> <p>25 the deposition by interjecting information like 10:46:11</p> <p style="text-align: right;">Page 19</p>	<p>1 read the document. 10:47:07</p> <p>2 BY MR. LAVOIE:</p> <p>3 Q. Ms. Sandhu, have you read that sentence</p> <p>4 yet?</p> <p>5 A. I'm continuing to be interrupted so it's 10:47:11</p> <p>6 hard to focus.</p> <p>7 Q. We've been on the record for a minute and</p> <p>8 a half and I've asked you to read three sentences</p> <p>9 into an e-mail.</p> <p>10 Are you telling me you haven't had a 10:47:22</p> <p>11 chance to read the third sentence in the e-mail?</p> <p>12 A. Yes.</p> <p>13 Q. Well, look at it right now. It's on the</p> <p>14 second line starting on the right-hand side and it</p> <p>15 says, "I do not report to him so I do not consider 10:47:28</p> <p>16 him to have any authority over my role."</p> <p>17 Do you see that?</p> <p>18 A. I see that.</p> <p>19 Q. And that is a reference to John Giamatteo;</p> <p>20 correct? 10:47:36</p> <p>21 A. Correct.</p> <p>22 Q. Was John Giamatteo your supervisor at this</p> <p>23 point in time?</p> <p>24 A. No.</p> <p>25 Q. Did you report to John Giamatteo at this 10:47:44</p> <p style="text-align: right;">Page 21</p>

<p>1 time? 10:47:46</p> <p>2 A. No.</p> <p>3 Q. Did you report to John Giamatteo at any</p> <p>4 time while you were at BlackBerry?</p> <p>5 A. No. 10:47:52</p> <p>6 Q. Did you have a dotted line or indirect</p> <p>7 reporting relationship to John Giamatteo at any</p> <p>8 time?</p> <p>9 A. No.</p> <p>10 Q. Did you ever work under John Giamatteo's 10:48:00</p> <p>11 leadership?</p> <p>12 A. No.</p> <p>13 MR. LAVOIE: Let's introduce Exhibit 2, which</p> <p>14 is going to be Tab 26.</p> <p>15 (Deposition Exhibit 2 was marked.) 10:48:11</p> <p>16 MS. BOURN: Exhibit 2 is Bates labeled --</p> <p>17 MR. LAVOIE: No, Maria, you're not going to eat</p> <p>18 time on the record by reading into the record like</p> <p>19 Bates number and confidentiality designations.</p> <p>20 That's not a proper thing to eat up time with. 10:48:40</p> <p>21 MS. BOURN: Exhibit 2 is 1547 dated February 4,</p> <p>22 2022.</p> <p>23 MR. LAVOIE: Maria, I'm just going to tell you,</p> <p>24 at the end of this deposition, we're going to make</p> <p>25 an evaluation as to whether Ms. Sandhu needs to come 10:48:54</p> <p style="text-align: right;">Page 22</p>	<p>1 giving me a hard time, I would lean on my sister for 10:49:57</p> <p>2 advice and comfort. So she would only hear about</p> <p>3 those instances, and I didn't want her to have the</p> <p>4 impression that that's all there is around me.</p> <p>5 Because there were many people that I got on with 10:50:10</p> <p>6 more so than were giving me a hard time.</p> <p>7 Q. So at BlackBerry, in your experience,</p> <p>8 there were many more people who you got along well</p> <p>9 with than you had disputes me?</p> <p>10 A. Than were giving me a hard time. 10:50:27</p> <p>11 Q. Were there many more people at BlackBerry</p> <p>12 who you got along well with than you had disputes</p> <p>13 with at work?</p> <p>14 A. I said than were giving me a hard time.</p> <p>15 Q. So my question is different. 10:50:41</p> <p>16 My question is, were there more people who</p> <p>17 you got along well with than people who you had</p> <p>18 disputes with at BlackBerry?</p> <p>19 MS. BOURN: Vague and ambiguous as to time</p> <p>20 given the length of employment. 10:50:52</p> <p>21 MR. LAVOIE: That's a speaking objection. You</p> <p>22 don't get to say "time given the length of</p> <p>23 employment." That suggests an answer to the</p> <p>24 witness. That is a speaking objection. That is</p> <p>25 implicitly coaching your witness. I'm going to ask 10:51:02</p> <p style="text-align: right;">Page 24</p>
<p>1 back for more testimony. So any time that you're 10:48:57</p> <p>2 eating up with frivolous statements on the record</p> <p>3 we're going to point out to the Court.</p> <p>4 BY MR. LAVOIE:</p> <p>5 Q. So this is a text exchange that you 10:49:05</p> <p>6 produced in discovery.</p> <p>7 Do you see this document?</p> <p>8 A. Yes.</p> <p>9 Q. Who is Bina, B-i-n-a?</p> <p>10 A. Bina, my sister. 10:49:15</p> <p>11 Q. Your sister, okay.</p> <p>12 And you write to your sister on</p> <p>13 February 4th, and these are just the very top lines</p> <p>14 here, "On a separate topic, I was speaking with a</p> <p>15 colleague who I get on well with (there are some!). 10:49:27</p> <p>16 Like a work friend."</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Why did you say "there are some,"</p> <p>20 exclamation point? 10:49:38</p> <p>21 A. Because I don't generally talk about work</p> <p>22 outside of work, particularly having been the chief</p> <p>23 of staff, there are confidentiality requirements</p> <p>24 that I consider. But if there was an instance where</p> <p>25 a colleague was making me feel uncomfortable or 10:49:54</p> <p style="text-align: right;">Page 23</p>	<p>1 you not to do that again. 10:51:05</p> <p>2 MS. BOURN: Defense yet again is pointing at me</p> <p>3 and raising his voice. And we are now less than 20</p> <p>4 minutes into the deposition that has become</p> <p>5 extraordinarily argumentative and, quite frankly, to 10:51:15</p> <p>6 the point if it continues to be abusive, I'll end</p> <p>7 the deposition and seek a protective order.</p> <p>8 MR. LAVOIE: Yeah, Maria, the record and the</p> <p>9 video tape will speak for itself. And I'll just</p> <p>10 point out for the record that I'm not pointing at 10:51:28</p> <p>11 you. So I'll ask that you not represent things that</p> <p>12 are going on in the room that are not on the camera.</p> <p>13 I'm not pointing at you and I'll be happy to supply</p> <p>14 a declaration to the Court that says that.</p> <p>15 MS. BOURN: I will take a photo of the next 10:51:38</p> <p>16 time you do it.</p> <p>17 MR. LAVOIE: Okay. That sounds great.</p> <p>18 BY MR. LAVOIE:</p> <p>19 Q. So Ms. Sandhu, my question was, were there</p> <p>20 more employees at BlackBerry who you got along well 10:51:46</p> <p>21 with than there were employees who you had disputes</p> <p>22 with at BlackBerry?</p> <p>23 A. There were more employees -- I can't</p> <p>24 answer your question because the word "dispute"</p> <p>25 isn't relevant in this instance, from my 10:51:58</p> <p style="text-align: right;">Page 25</p>

<p>1 perspective. It was harassment that I faced and 10:52:02</p> <p>2 gender discrimination.</p> <p>3 Q. So you say you were speaking with a</p> <p>4 colleague who you get on well with, "there are</p> <p>5 some." 10:52:13</p> <p>6 A. Correct.</p> <p>7 Q. So you're implying to your sister here</p> <p>8 that there aren't a lot that -- her impression up to</p> <p>9 this point would be that there weren't very many</p> <p>10 employees that you got along well with at work; 10:52:22</p> <p>11 correct?</p> <p>12 MS. BOURN: Calls for speculation.</p> <p>13 THE WITNESS: That's not correct.</p> <p>14 BY MR. LAVOIE:</p> <p>15 Q. Okay. What was your formal title at the 10:52:34</p> <p>16 time you were terminated at BlackBerry?</p> <p>17 A. If I recall it correctly, it was chief</p> <p>18 marketing officer and chief elite customer success</p> <p>19 officer, if I recall it correctly.</p> <p>20 Q. And what was your title immediately before 10:52:57</p> <p>21 when you held that title?</p> <p>22 A. Gosh. I'll try to remember. It had chief</p> <p>23 elite customer success officer in it. I believe it</p> <p>24 had SVP sustainability as well and the business</p> <p>25 operations that -- the chief of staff role. I don't 10:53:17</p> <p style="text-align: right;">Page 26</p>	<p>1 title? 10:54:29</p> <p>2 A. That's not how -- that is not how I would</p> <p>3 represent it.</p> <p>4 Q. You asked for the title of chief customer</p> <p>5 officer even though you didn't think you deserved 10:54:40</p> <p>6 it?</p> <p>7 A. That's not what I said.</p> <p>8 Q. No, that's my question.</p> <p>9 So you just testified you asked for the</p> <p>10 title of chief customer officer, but you also just 10:54:47</p> <p>11 testified you didn't think you deserved that title?</p> <p>12 MS. BOURN: No question pending.</p> <p>13 BY MR. LAVOIE:</p> <p>14 Q. So my question is, did you think you</p> <p>15 deserved the title of chief customer officer? 10:55:00</p> <p>16 A. The question isn't one you can answer in a</p> <p>17 yes-or-no way.</p> <p>18 Q. You don't think you can answer one way or</p> <p>19 another whether you thought you deserved the title</p> <p>20 of chief customer officer? 10:55:14</p> <p>21 MS. BOURN: Asked and answered twice now.</p> <p>22 BY MR. LAVOIE:</p> <p>23 Q. You don't think that you can answer the</p> <p>24 question as to whether you deserved the title of</p> <p>25 chief customer officer? 10:55:26</p> <p style="text-align: right;">Page 28</p>
<p>1 remember exactly. 10:53:19</p> <p>2 Q. How long did you serve as BlackBerry's</p> <p>3 chief marketing officer?</p> <p>4 A. I think I was -- it was announced the role</p> <p>5 was in June of 2023, I think. 10:53:33</p> <p>6 Q. So my question was, how long did you serve</p> <p>7 as BlackBerry's chief marketing officer?</p> <p>8 A. So June through when I got fired. I guess</p> <p>9 six months.</p> <p>10 Q. From June or July of 2023 through December 10:53:53</p> <p>11 of 2023?</p> <p>12 A. I got fired in December, yes.</p> <p>13 Q. So you were BlackBerry's chief marketing</p> <p>14 officer from June or July 2023 through</p> <p>15 December 2023? 10:54:07</p> <p>16 MS. BOURN: Asked and answered.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MR. LAVOIE:</p> <p>19 Q. Was your title at BlackBerry ever chief</p> <p>20 customer officer? 10:54:19</p> <p>21 A. Not officially. I had asked for it a</p> <p>22 number of times though.</p> <p>23 Q. So it wasn't your title at any point?</p> <p>24 A. Correct.</p> <p>25 Q. But you thought that you deserved that 10:54:26</p> <p style="text-align: right;">Page 27</p>	<p>1 A. The role was a chief customer officer role 10:55:27</p> <p>2 and I was told by John Chen that, while he agreed</p> <p>3 with that, he couldn't make that the title because</p> <p>4 John Giamatteo would get upset.</p> <p>5 Q. So you asked to be given the title of 10:55:40</p> <p>6 chief customer officer and BlackBerry declined?</p> <p>7 A. Because John Giamatteo would be upset.</p> <p>8 Q. So you asked for the title of chief</p> <p>9 customer officer and BlackBerry declined; is that</p> <p>10 correct? 10:55:52</p> <p>11 A. Because John Giamatteo would be upset.</p> <p>12 Q. I'm not asking for why. I'm asking, they</p> <p>13 declined your question or granted your request. So</p> <p>14 you asked to be chief customer officer.</p> <p>15 Did BlackBerry say yes to that request or 10:56:04</p> <p>16 did they decline that request?</p> <p>17 A. They declined it because John Giamatteo</p> <p>18 would be upset.</p> <p>19 Q. How many times while you were at</p> <p>20 BlackBerry were you promoted by John Chen? 10:56:13</p> <p>21 A. A number of times. I couldn't count off</p> <p>22 the top of my head.</p> <p>23 Q. Best estimate, more than 10 or fewer than</p> <p>24 10?</p> <p>25 A. I was promoted throughout my career at 10:56:23</p> <p style="text-align: right;">Page 29</p>

<p>1 BlackBerry a number of times. 10:56:26</p> <p>2 Q. That's not my question.</p> <p>3 My question is, is it your best estimate</p> <p>4 that you were promoted by John Chen more than 10</p> <p>5 times or fewer than 10 times? 10:56:32</p> <p>6 MS. BOURN: Asked and answered.</p> <p>7 THE WITNESS: I would have to actually write</p> <p>8 out and count the answer. I don't know.</p> <p>9 BY MR. LAVOIE:</p> <p>10 Q. So you cannot give -- you're incapable of 10:56:41</p> <p>11 giving a best estimate as to whether you were</p> <p>12 promoted by Chen more or fewer than 10 times?</p> <p>13 A. It was a number of times. I don't know if</p> <p>14 it was more than 10 or less than 10, but it was a</p> <p>15 number of times. 10:56:55</p> <p>16 Q. Were you promoted my John Chen more or</p> <p>17 fewer than five times?</p> <p>18 A. Gosh . . . let's see. So when I started</p> <p>19 to work for him, I was promoted to director. I got</p> <p>20 to senior director. VP definitely obviously. There 10:57:11</p> <p>21 was an expansion of scope, SVP -- yes, I would say</p> <p>22 yes.</p> <p>23 Q. More than five times John Chen promoted</p> <p>24 you?</p> <p>25 A. I mean, I couldn't say definitively but it 10:57:29</p> <p style="text-align: right;">Page 30</p>	<p>1 BlackBerry that could read those messages if they 10:58:34</p> <p>2 wanted to? That was your understanding?</p> <p>3 A. That was my understanding.</p> <p>4 Q. And what's that understanding based on?</p> <p>5 A. Based on the fact that it's an enterprise 10:58:43</p> <p>6 tool and so it is managed and distributed by IT</p> <p>7 admins.</p> <p>8 Q. One of the BBMe features advertised to</p> <p>9 BlackBerry customers that you sold the product to</p> <p>10 was the ability to retract messages; correct? 10:58:56</p> <p>11 MS. BOURN: Vague and ambiguous as to time.</p> <p>12 THE WITNESS: From having sent them -- just</p> <p>13 like you can undo -- recall an e-mail, yes, you can</p> <p>14 retract a message, but it doesn't take it out of the</p> <p>15 server which the IT admin has assess to. 10:59:12</p> <p>16 BY MR. LAVOIE:</p> <p>17 Q. That's not my question.</p> <p>18 I said one of the features that BlackBerry</p> <p>19 advertised to its customers for BBMe --</p> <p>20 THE REPORTER: Can you start over? 10:59:16</p> <p>21 BY MR. LAVOIE:</p> <p>22 Q. So my question was --</p> <p>23 MS. BOURN: Just a second. Can we stop? I</p> <p>24 need to get the real-time. Your questions are so</p> <p>25 long and convoluted. 10:59:24</p> <p style="text-align: right;">Page 32</p>
<p>1 was a number of times. 10:57:32</p> <p>2 Q. Was it more or fewer than five?</p> <p>3 A. I don't know. Five might be a good</p> <p>4 estimate. I don't know.</p> <p>5 Q. You sold the BBMe product to elite 10:57:39</p> <p>6 BlackBerry customers; correct?</p> <p>7 A. Correct.</p> <p>8 Q. And one of the BBMe features advertised to</p> <p>9 customers was that it kept messages secure; correct?</p> <p>10 A. Correct. 10:57:51</p> <p>11 Q. BBMe messages were end-to-end encrypted;</p> <p>12 right?</p> <p>13 A. Correct.</p> <p>14 Q. So BBMe messages are only available on a</p> <p>15 user's own device? They can't be reviewed by third 10:58:06</p> <p>16 parties; right?</p> <p>17 A. That's not right.</p> <p>18 Q. Oh, explain.</p> <p>19 A. It's an enterprise solution, not a</p> <p>20 customer solution. So it's managed by IT 10:58:13</p> <p>21 administrators and they can see the messages,</p> <p>22 archive the messages, manage controls and things</p> <p>23 like that.</p> <p>24 Q. So when you exchanged BBMe messages with</p> <p>25 John Chen, for example, there was someone in IT at 10:58:30</p> <p style="text-align: right;">Page 31</p>	<p>1 MR. LAVOIE: Okay. Let's go off the record. 10:59:26</p> <p>2 MS. BOURN: Can I get the real-time?</p> <p>3 THE VIDEOGRAPHER: Going off the record. The</p> <p>4 time is 10:59 a.m.</p> <p>5 (Discussion off the record.) 10:59:35</p> <p>6 THE VIDEOGRAPHER: Going back on the record.</p> <p>7 The time is 11:01 a.m.</p> <p>8 BY MR. LAVOIE:</p> <p>9 Q. One of the features of BBMe that</p> <p>10 BlackBerry advertised to its customers was the 11:01:54</p> <p>11 ability to retract messages; correct?</p> <p>12 A. Correct.</p> <p>13 Q. John Chen testified at deposition that he</p> <p>14 started at BlackBerry in 2013.</p> <p>15 Does that sound right to you? 11:02:07</p> <p>16 A. Yes.</p> <p>17 Q. You overlapped with John Chen for</p> <p>18 approximately your last 10 years at the company,</p> <p>19 between 2013 and 2023; correct?</p> <p>20 A. Yes. 11:02:17</p> <p>21 Q. Did you consider John Chen to be one of</p> <p>22 your biggest advocates during your time at</p> <p>23 BlackBerry?</p> <p>24 A. He was a big advocate of mine. I wouldn't</p> <p>25 say the biggest. 11:02:31</p> <p style="text-align: right;">Page 33</p>

1 Q. Was he one of the biggest advocates? 11:02:33	1 of whether, over the course of 10 years of working 11:04:25
2 A. He was someone I learned a lot from, I	2 with John Chen, whether you saw any indication that
3 would say.	3 he was sexist?
4 Q. Was John Chen -- did you perceive him as	4 MS. BOURN: Calls for a legal conclusion.
5 one of your biggest advocates at the company? 11:02:45	5 THE WITNESS: I'm saying I don't know how to 11:04:34
6 A. When you say "advocate," what do you mean?	6 answer the question in the way you're trying to get
7 Q. You just used the term. You said he was	7 me to. That's what I'm saying.
8 one of your advocates.	8 BY MR. LAVOIE:
9 So what do you mean by that term?	9 Q. It's not on you to try to intuit like how
10 A. Someone who supports your career, wants to 11:02:53	10 I'm trying to get you to answer a question. I'm 11:04:43
11 teach you, wants you to grow. That's how I see it.	11 just asking a question.
12 Q. And he was a person like that to you?	12 You worked with John Chen for 10 years.
13 A. Yes.	13 During that time, did you see any indication that he
14 Q. Do you believe that John Chen was	14 himself was sexist, yes or no?
15 prejudiced against you because of your race or 11:03:06	15 MS. BOURN: Calls for speculation, calls for a 11:04:54
16 gender?	16 legal conclusion.
17 A. No.	17 THE WITNESS: No, I'm not trying to intuit what
18 Q. Based on your experiences with John Chen,	18 you're expecting me to say, but I feel like I've
19 have you seen any evidence that he is sexist?	19 answered the question.
20 MS. BOURN: Vague and ambiguous as to time, 11:03:17	20 BY MR. LAVOIE: 11:05:06
21 calls for speculation.	21 Q. You haven't so I'm going to ask it again.
22 THE WITNESS: I experienced a lot of gender	22 During your 10 years of working and
23 discrimination at the company, and I don't think it	23 interacting with the John Chen, did you see any
24 was dealt with appropriately. I don't know the	24 indication that John Chen was sexist?
25 motivation behind that so . . . 11:03:30	25 MS. BOURN: Calls for a legal conclusion. 11:05:15
Page 34	Page 36
1 BY MR. LAVOIE: 11:03:33	1 THE WITNESS: I don't know how to answer it 11:05:17
2 Q. Just to be clear as to your testimony, are	2 other than when I was at the company, I faced gender
3 you saying that because you perceive that you	3 discrimination and I don't think it was dealt with
4 experienced gender discrimination, that you	4 appropriately.
5 interpret that as evidence that John Chen himself is 11:03:41	5 BY MR. LAVOIE: 11:05:26
6 sexist? Is that your testimony?	6 Q. And so that was an indication to you that
7 A. That is not my testimony.	7 John Chen himself was sexist or no?
8 Q. So then I'll go back to my question.	8 A. There could be different reasons for that,
9 Based on your experiences with John Chen,	9 so I don't know.
10 have you seen any evidence that John Chen is sexist? 11:03:50	10 Q. So you have no -- you have no opinion, 11:05:36
11 MS. BOURN: Vague and ambiguous as to time,	11 based on 10 years of working with him, as to whether
12 calls for speculation.	12 John Chen is sexist or not?
13 THE WITNESS: I don't know. I don't know if I	13 A. He supported me and I learned a lot from
14 see him as sexist or not. But I know that I've	14 him; but at the same time, there was gender
15 faced a lot of gender discrimination in the company. 11:04:03	15 discrimination that wasn't dealt with appropriately 11:05:52
16 BY MR. LAVOIE:	16 in the company. That's how I see it. I haven't, in
17 Q. So my question is different.	17 my mind, made a conclusion based on what his
18 I'm saying, during your interactions with	18 motivation was.
19 him over a period of 10 years, did you see any	19 Q. So based on your experience with him, John
20 evidence that John Chen is sexist? 11:04:12	20 Chen might be sexist or he might not be? 11:06:05
21 MS. BOURN: Calls for a legal conclusion.	21 MS. BOURN: Calls for speculation, asked and
22 THE WITNESS: I don't know how to answer that	22 answered.
23 question in the way that you're asking me to.	23 THE WITNESS: I don't know. I really don't
24 BY MR. LAVOIE:	24 know.
25 Q. You don't know how to answer the question 11:04:22	25 BY MR. LAVOIE: 11:06:16
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<p>1 Q. You don't know whether he might be sexist 11:06:16</p> <p>2 or not based on your experiences with him?</p> <p>3 MS. BOURN: Asked and answered about four</p> <p>4 times.</p> <p>5 THE WITNESS: I don't know. 11:06:24</p> <p>6 BY MR. LAVOIE:</p> <p>7 Q. You don't know whether he's sexist, okay.</p> <p>8 Based on your experiences with John Chen,</p> <p>9 have you seen any indication that he's racist?</p> <p>10 MS. BOURN: Calls for a legal conclusion. 11:06:37</p> <p>11 THE WITNESS: I didn't face racism from him;</p> <p>12 and when I did face racism in the company, which was</p> <p>13 explicit, it was dealt with appropriately.</p> <p>14 BY MR. LAVOIE:</p> <p>15 Q. So have you seen any evidence that John 11:06:52</p> <p>16 Chen -- sorry, strike that.</p> <p>17 During your 10 years of experiences with</p> <p>18 John Chen, did you ever see any indication that John</p> <p>19 Chen preferred employees of one race over employees</p> <p>20 of another race? 11:07:07</p> <p>21 MS. BOURN: Calls for speculation, calls for a</p> <p>22 legal conclusion.</p> <p>23 THE WITNESS: Not something that I have thought</p> <p>24 about. All I know is that when I faced racism and</p> <p>25 it was explicit and there was -- it was 11:07:20</p> <p style="text-align: right;">Page 38</p>	<p>1 What explicit racism did you face? 11:08:22</p> <p>2 A. So an example is there's a male, a white</p> <p>3 male, colleague [REDACTED], and he was</p> <p>4 making my life -- he was harassing me, I would say</p> <p>5 as well, in the workplace. And it was reported by 11:08:40</p> <p>6 other employees is my understanding. And I remember</p> <p>7 having a call with him and him telling me there was</p> <p>8 too many people of color and black people in the</p> <p>9 company. And it was investigated and he admitted</p> <p>10 saying it and he was terminated based on that. 11:09:02</p> <p>11 Q. When he said this to you, did you</p> <p>12 understand it to be an implication that there were</p> <p>13 too many people of color in the company and that</p> <p>14 included you, that you shouldn't be in the company?</p> <p>15 A. Correct. As he had told people -- he had 11:09:15</p> <p>16 made -- there had been a number of surrounding</p> <p>17 experiences that made it clear to me that he did not</p> <p>18 like having me in the company and it was so apparent</p> <p>19 that others complained about it, to my</p> <p>20 understanding, to HR. And then when it was 11:09:36</p> <p>21 investigated, I raised the comment that he had made</p> <p>22 to me and he admitted saying it.</p> <p>23 Q. So when BlackBerry investigated it, you</p> <p>24 told the BlackBerry investigators that he had said</p> <p>25 there are too many people of color and too many 11:09:52</p> <p style="text-align: right;">Page 40</p>
<p>1 investigated, it was dealt with effectively from my 11:07:23</p> <p>2 perspective.</p> <p>3 MR. LAVOIE: So I'll move to strike that answer</p> <p>4 as nonresponsive.</p> <p>5 BY MR. LAVOIE: 11:07:32</p> <p>6 Q. My question again was, based on your</p> <p>7 experiences with him over 10 years, did you see any</p> <p>8 indication that John Chen preferred employees of one</p> <p>9 race over employees of another race? Did you see</p> <p>10 any indication of that or did you not? 11:07:41</p> <p>11 A. I mean as -- I would say no I guess. I</p> <p>12 don't know. I can't speak for him so I don't know.</p> <p>13 Q. No, I'm not asking you to speak for him.</p> <p>14 I'm asking you to speak to yourself and your own</p> <p>15 observations. So I'll ask the question again. 11:07:58</p> <p>16 During your 10 years of working with him,</p> <p>17 did you see any indication that John Chen preferred</p> <p>18 employees of one race over employees of another</p> <p>19 race? Did you see indications of that yourself or</p> <p>20 did you not? 11:08:11</p> <p>21 MS. BOURN: Argumentative.</p> <p>22 THE WITNESS: No.</p> <p>23 BY MR. LAVOIE:</p> <p>24 Q. You say that you faced "explicit racism."</p> <p>25 I think that's the term that you used. 11:08:20</p> <p style="text-align: right;">Page 39</p>	<p>1 black people at the company? You told the 11:09:57</p> <p>2 BlackBerry investigators that?</p> <p>3 A. Correct.</p> <p>4 Q. I'll represent to you that based on public</p> <p>5 announcements and internal company documents that 11:10:03</p> <p>6 John Giamatteo joined BlackBerry on October 4th,</p> <p>7 2021.</p> <p>8 Do you have any reason to dispute that?</p> <p>9 A. No.</p> <p>10 Q. Your office with BlackBerry, your physical 11:10:12</p> <p>11 office, was in San Ramon, California; right?</p> <p>12 A. Yes.</p> <p>13 Q. John Giamatteo's physical office was in</p> <p>14 Texas; correct?</p> <p>15 A. I don't know if it was Texas or New York, 11:10:22</p> <p>16 but it was not in San Ramon. He did have an office</p> <p>17 in San Ramon with his name on it, but I believe his</p> <p>18 like home address was elsewhere.</p> <p>19 Q. You didn't see John Giamatteo -- during</p> <p>20 the time that you overlapped with John Giamatteo at 11:10:38</p> <p>21 the company -- which was approximately two years;</p> <p>22 right? October 2021 until you were let go in</p> <p>23 December of 2023?</p> <p>24 A. Yeah, that makes sense.</p> <p>25 Q. You overlapped for a little over two 11:10:49</p> <p style="text-align: right;">Page 41</p>

<p>1 years. And during that time, you didn't see him in 11:10:51</p> <p>2 person on a daily basis; correct?</p> <p>3 A. Correct.</p> <p>4 Q. You didn't see him in person on a weekly</p> <p>5 basis; correct? 11:11:01</p> <p>6 A. Definitely not every week, no.</p> <p>7 Q. Did you see John Giamatteo in person most</p> <p>8 weeks during the two-plus years that you worked</p> <p>9 together?</p> <p>10 MS. BOURN: Vague and ambiguous as to "see." 11:11:14</p> <p>11 THE WITNESS: You mean in person or virtually</p> <p>12 or what's the definition?</p> <p>13 BY MR. LAVOIE:</p> <p>14 Q. My literal question was, did you see John</p> <p>15 Giamatteo in person most weeks during the two-plus 11:11:26</p> <p>16 years that you worked together?</p> <p>17 A. In person most weeks? No, I would not say</p> <p>18 most weeks.</p> <p>19 Q. Were there ever months at BlackBerry where</p> <p>20 you did not see John Giamatteo in person? 11:11:39</p> <p>21 A. I mean, I used to travel -- yeah,</p> <p>22 probably, yes, probably.</p> <p>23 Q. Did you see Mr. Giamatteo in person on</p> <p>24 average closer to once a month, once a quarter, or</p> <p>25 once a year? 11:11:59</p> <p style="text-align: right;">Page 42</p>	<p>1 groups? 11:13:18</p> <p>2 A. A mix.</p> <p>3 Q. Were you on group conference calls with</p> <p>4 John Giamatteo closer to once a week, once a month,</p> <p>5 once a quarter? 11:13:30</p> <p>6 A. Once a quarter possibly, yeah.</p> <p>7 Q. Were you on group video conferences with</p> <p>8 John Giamatteo closer to once a week, once a month</p> <p>9 or once a quarter?</p> <p>10 A. I would say the same, once a quarter. 11:13:44</p> <p>11 Q. Were there ever weeks at BlackBerry where</p> <p>12 you didn't have any communication with John</p> <p>13 Giamatteo at all in any medium?</p> <p>14 A. I don't know for sure, but I would guess</p> <p>15 not. 11:14:06</p> <p>16 Q. So you think that you had at least one</p> <p>17 communication with him in some medium roughly every</p> <p>18 week?</p> <p>19 A. I really wouldn't know how to answer that</p> <p>20 question. I don't know. 11:14:17</p> <p>21 MS. BOURN: Don't speculate.</p> <p>22 BY MR. LAVOIE:</p> <p>23 Q. Yeah. So your counsel is telling you not</p> <p>24 to speculate in response to my question.</p> <p>25 My question is just your best estimate, 11:14:24</p> <p style="text-align: right;">Page 44</p>
<p>1 A. Somewhere between once a month and once a 11:12:04</p> <p>2 quarter, not as sparse as once a year.</p> <p>3 Q. Did you have one-on-one phone calls with</p> <p>4 John Giamatteo on a daily basis during the time that</p> <p>5 you overlapped with the company? 11:12:18</p> <p>6 A. Not on a daily basis.</p> <p>7 Q. Did you talk to John Giamatteo once a week</p> <p>8 one-on-one by phone?</p> <p>9 A. I mean, occasionally -- I had asked him</p> <p>10 for a one-on-one and he took it offensively so that 11:12:32</p> <p>11 was not set up.</p> <p>12 Q. So my question was different.</p> <p>13 Just factually speaking, did you talk to</p> <p>14 John Giamatteo by phone one-on-one once a week while</p> <p>15 you overlapped? 11:12:47</p> <p>16 A. No, because he thought it was offensive</p> <p>17 that he would need to speak with me one-on-one</p> <p>18 because he did not see me as an equal.</p> <p>19 Q. Did you talk one-on-one on the phone with</p> <p>20 John Giamatteo closer to once a month, once a 11:12:58</p> <p>21 quarter, or once a year, one-on-one by phone?</p> <p>22 A. Once a quarter maybe.</p> <p>23 Q. And in terms of your in-person</p> <p>24 interactions with John Giamatteo, were those</p> <p>25 typically one-on-one or were they typically in 11:13:14</p> <p style="text-align: right;">Page 43</p>	<p>1 were there weeks at BlackBerry where -- is it your 11:14:27</p> <p>2 testimony that roughly at least once a week at</p> <p>3 BlackBerry you had some form of communication with</p> <p>4 John Giamatteo? Is that your testimony?</p> <p>5 A. I really don't know. I mean, it was -- it 11:14:41</p> <p>6 was -- we were working together. I don't know how</p> <p>7 often, if it was weekly -- I don't know how to</p> <p>8 answer that question.</p> <p>9 Q. During the time that you overlapped at</p> <p>10 BlackBerry -- I'm talking about the entirety of the 11:14:57</p> <p>11 time -- was John Giamatteo a higher-ranked executive</p> <p>12 within the organization as compared to you?</p> <p>13 MS. BOURN: Calls for speculation.</p> <p>14 THE WITNESS: We all reported to the CEO. I</p> <p>15 don't know what his grading was. 11:15:11</p> <p>16 BY MR. LAVOIE:</p> <p>17 Q. What do you mean you don't know what his</p> <p>18 grading was?</p> <p>19 A. I don't know what grade he was in his</p> <p>20 contract. I have no idea. 11:15:18</p> <p>21 Q. John Giamatteo was the president of</p> <p>22 BlackBerry's cybersecurity division; correct?</p> <p>23 A. Correct.</p> <p>24 Q. Would you consider his title of president</p> <p>25 to be of higher status in the organization than the 11:15:27</p> <p style="text-align: right;">Page 45</p>

<p>1 titles that you held during the time that you 11:15:31</p> <p>2 overlapped with him?</p> <p>3 A. I saw everyone who was a direct report of</p> <p>4 the CEO as an executive team member.</p> <p>5 Q. That's not my question, who is an 11:15:41</p> <p>6 executive team member and who is not. So I'll ask</p> <p>7 my question again.</p> <p>8 Would you consider John Giamatteo's title</p> <p>9 of president to be of higher status within the</p> <p>10 organization than the titles you held during the 11:15:49</p> <p>11 time you overlapped with him, yes or no?</p> <p>12 A. No. I would see everybody as being equal</p> <p>13 on the team.</p> <p>14 Q. So you don't think that someone who had a</p> <p>15 president title within the organization had a higher 11:16:03</p> <p>16 status in the organization than someone with your</p> <p>17 title?</p> <p>18 MS. BOURN: Asked and answered.</p> <p>19 THE WITNESS: No, I don't.</p> <p>20 BY MR. LAVOIE: 11:16:15</p> <p>21 Q. Did John Giamatteo ever have</p> <p>22 decision-making power over whether you were</p> <p>23 promoted, yes or no?</p> <p>24 MS. BOURN: Calls for speculation.</p> <p>25 THE WITNESS: No. 11:16:25</p> <p style="text-align: right;">Page 46</p>	<p>1 MS. BOURN: Calls for speculation. 11:17:26</p> <p>2 THE WITNESS: I mean, the fact that I got</p> <p>3 fired -- I mean, I -- you're shaking.</p> <p>4 Does it mean I shouldn't answer?</p> <p>5 BY MR. LAVOIE: 11:17:39</p> <p>6 Q. No. I'm just saying this continues to be</p> <p>7 nonresponsive to my questions.</p> <p>8 I'm asking, did John Giamatteo ever have</p> <p>9 decision-making authority over your job</p> <p>10 responsibilities? That's just a yes-or-no question. 11:17:46</p> <p>11 MS. BOURN: Calls for speculation.</p> <p>12 THE WITNESS: The fact that I got fired because</p> <p>13 he would not sign his CEO contract unless I was</p> <p>14 fired, that makes -- in my opinion, that is</p> <p>15 decision-making power. 11:18:01</p> <p>16 BY MR. LAVOIE:</p> <p>17 Q. Okay. What facts do you know that lead</p> <p>18 you to that conclusion? It's your belief that John</p> <p>19 Giamatteo communicated at some point that I will not</p> <p>20 sign my CEO contract unless you fire Neelam Sandhu. 11:18:11</p> <p>21 That's your understanding?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. what's your basis for that</p> <p>24 understanding?</p> <p>25 A. I was told that. 11:18:18</p> <p style="text-align: right;">Page 48</p>
<p>1 BY MR. LAVOIE: 11:16:25</p> <p>2 Q. Did John Giamatteo ever have</p> <p>3 decision-making power over the scope of your job</p> <p>4 responsibilities, yes or no?</p> <p>5 MS. BOURN: Calls for speculation. 11:16:33</p> <p>6 THE WITNESS: He tried to but he did not</p> <p>7 officially, no.</p> <p>8 BY MR. LAVOIE:</p> <p>9 Q. So the answer to that question is, John</p> <p>10 Giamatteo never had decision-making power over the 11:16:40</p> <p>11 scope of your job responsibilities? He attempted to</p> <p>12 exert influence but he did not have decision-making</p> <p>13 power; correct?</p> <p>14 You can answer. There's no objection.</p> <p>15 MS. BOURN: If you understand the question. 11:16:54</p> <p>16 THE WITNESS: He exerted, to use your words,</p> <p>17 exerted heavy influence and I would say went on a</p> <p>18 campaign to affect my career and, ultimately, he is</p> <p>19 the reason I got fired.</p> <p>20 BY MR. LAVOIE: 11:17:11</p> <p>21 Q. I'm not asking about campaign and I'll</p> <p>22 move to strike that answer as nonresponsive.</p> <p>23 My question is, did John Giamatteo ever</p> <p>24 have decision-making power over the scope of your</p> <p>25 job responsibilities, yes or no? 11:17:24</p> <p style="text-align: right;">Page 47</p>	<p>1 Q. By whom? 11:18:20</p> <p>2 A. By people who had heard it from his own</p> <p>3 team in the company. As well, I was fired I think,</p> <p>4 what, 24 to 48 hours before he signed his contract.</p> <p>5 As well Dick Lynch was -- he announced my exit from 11:18:34</p> <p>6 the company prior to John Giamatteo being announced.</p> <p>7 So the sequence of events was very clear to me.</p> <p>8 Q. Okay. So you testified just then that the</p> <p>9 sequence of events leads you to this belief.</p> <p>10 But I want to ask you very concretely 11:18:55</p> <p>11 about what you said, that people told you --</p> <p>12 A. Correct.</p> <p>13 Q. -- that John Giamatteo refused to sign his</p> <p>14 CEO contract unless you were fired.</p> <p>15 What are the names of those individuals? 11:19:07</p> <p>16 A. I don't remember who told me. There were</p> <p>17 people on my team who had heard it from people on</p> <p>18 his team. For example, Kevin Easterwood is one</p> <p>19 name.</p> <p>20 Q. Kevin Easterwood is someone on John 11:19:23</p> <p>21 Giamatteo's team?</p> <p>22 A. Correct, or was. I don't know if he still</p> <p>23 is.</p> <p>24 Q. So you heard from one of your employees on</p> <p>25 the elite customer success team or chief marketing 11:19:30</p> <p style="text-align: right;">Page 49</p>

1 customer officer team? 11:19:34	1 best of your recollection, you cannot conjure a 11:21:50
2 A. Within my org.	2 single name of someone who told you this? Is that
3 Q. You heard from an employee within your	3 your testimony?
4 organization that they had learned from an employee,	4 A. My sworn testimony is what I said, which
5 Kevin Easterwood, in John Giamatteo's organization, 11:19:42	5 is there were a lot of people who said it to me, so 11:21:59
6 that John Giamatteo had communicated that he would	6 you are welcome to go and ask those people who used
7 not sign his CEO agreement unless you were fired?	7 to be in my organization.
8 That's your testimony?	8 Q. I'm not asking them. I'm asking you
9 A. That's one example, yes. There were the	9 because you're testifying that you were told this
10 others as well but, yes, that's what I had heard. 11:19:53	10 and I'm asking, can you name a single individual by 11:22:11
11 Q. So is there -- in terms of people telling	11 name who told you this?
12 you things about the source of information, is there	12 MS. BOURN: Please don't raise your voice at
13 any source of information of that that you got from	13 the witness. It's inappropriate.
14 anybody -- from anyone other than Kevin Easterwood	14 THE WITNESS: There was a number of people. I
15 being the ultimate source? 11:20:11	15 don't remember who specifically. 11:22:23
16 A. I had heard it from other people. It was	16 BY MR. LAVOIE:
17 not -- my understanding is it was not a secret he	17 Q. It was a number of people, but you can't
18 was keeping. He was very vocal about it. And as I	18 name a single one?
19 said, I was fired 24 to 48 hours before he signed	19 A. Not specifically and with clarity so I
20 his contract, and I was pushed to, and pressured to 11:20:28	20 wouldn't want to -- would want to answer another 11:22:32
21 say that I resigned. And they wanted to do that	21 way.
22 before they announced him and the dates --	22 MS. BOURN: For the record, defense counsel is
23 Q. Again, so I'm not asking about the	23 making faces at plaintiff and shaking his hand.
24 circumstances, the timing, we can get into all that.	24 MR. LAVOIE: I do find this behavior pretty
25 But I'm asking you very specifically about where you 11:20:45	25 clearly obstructionist and evasive. And the 11:22:41
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1 developed this understanding that he had 11:20:49	1 responses are not responsive. And so I am a bit 11:22:44
2 communicated this. John Giamatteo had said this.	2 incredulous at the approach of kind of tactical,
3 At any point did you speak to anyone who	3 calculated evasion. So I will acknowledge that I am
4 told you, "John Giamatteo told me that he would not	4 perplexed.
5 sign his CEO contract unless you were fired?" Did 11:21:01	5 BY MR. LAVOIE: 11:22:58
6 you speak to anyone who told you that?	6 Q. So Tim Foote never had decision-making
7 A. No.	7 authority over whether you were promoted; correct?
8 Q. And you have no recollection whatsoever as	8 MS. BOURN: Calls for speculation.
9 to which members of your organization who told you	9 THE WITNESS: He was not my direct manager and
10 this? You can't give me a single name? 11:21:19	10 he was more junior than me. 11:23:11
11 A. It's been 18 months. At this moment in	11 BY MR. LAVOIE:
12 time I don't recall.	12 Q. So my question was different. I'll move
13 Q. So your sworn testimony here today, your	13 to strike that answer as nonresponsive.
14 very best recollection, you're trying your best but	14 My question is simply this: Did Tim Foote
15 you can't conjure a single name of someone who told 11:21:33	15 ever have decision-making authority over whether you 11:23:20
16 you this?	16 were promoted or not?
17 Is that your testimony?	17 MS. BOURN: Calls for speculation.
18 A. I would say you can ask various members	18 THE WITNESS: I mean, your questions are not
19 who used to be on my team. There were a lot of	19 easy to answer. They are kind of unclear and I
20 people who said it. I don't remember specifics. 11:21:44	20 don't want to say something that I don't believe in 11:23:32
21 There was a lot of people.	21 because I'm under oath. So he, like Giamatteo, had
22 MR. LAVOIE: I'll move to strike that answer as	22 influence. Whether others saw that as decision --
23 nonresponsive.	23 influencing a decision, decision-making power, I
24 BY MR. LAVOIE:	24 don't know. But on paper, hierarchically, he was
25 Q. Your sworn testimony is that to the very 11:21:49	25 not my direct manager and in theory should not be 11:23:57
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<p>1 making decisions about my career. 11:24:02</p> <p>2 BY MR. LAVOIE:</p> <p>3 Q. Did John Giamatteo ever have</p> <p>4 decision-making authority, authority over your</p> <p>5 compensation? 11:24:07</p> <p>6 MS. BOURN: Vague and ambiguous, calls for</p> <p>7 speculation.</p> <p>8 THE WITNESS: Again, under oath, I would answer</p> <p>9 how -- give the answer I want to give, not what I</p> <p>10 feel where I'm being kind of led. 11:24:19</p> <p>11 I felt and experienced that he had</p> <p>12 influence over my compensation and I was explicitly</p> <p>13 told by my direct manager, the CEO John Chen -- I'll</p> <p>14 give one example. When I was promoted to CMO, that</p> <p>15 I was not being given a salary increase because 11:24:42</p> <p>16 Giamatteo would get upset.</p> <p>17 BY MR. LAVOIE:</p> <p>18 Q. So I'm going to explain something. You</p> <p>19 don't get to answer the question that you would like</p> <p>20 to answer that you wished I asked. You have to 11:24:53</p> <p>21 answer my question.</p> <p>22 And so my question was, did John Giamatteo</p> <p>23 ever have decision-making authority over your</p> <p>24 compensation? And you can answer that question yes</p> <p>25 or not but you have to answer that question. Did he 11:25:05</p> <p style="text-align: right;">Page 54</p>	<p>1 speculation. 11:25:59</p> <p>2 THE WITNESS: I see influence at -- that strong</p> <p>3 level of influence as decision-making power or</p> <p>4 whatever you want to call it. I do see it that way.</p> <p>5 BY MR. LAVOIE: 11:26:10</p> <p>6 Q. Looking back over your final few years at</p> <p>7 BlackBerry, when did it first occur to you that you</p> <p>8 might sue the company?</p> <p>9 A. After I was fired in early 2024, sometime</p> <p>10 in 2024. 11:26:27</p> <p>11 Q. So prior to you having a conversation with</p> <p>12 Dick Lynch when he told you that you were being let</p> <p>13 go, the thought never occurred to you that you might</p> <p>14 sue BlackBerry?</p> <p>15 A. No. 11:26:39</p> <p>16 Q. You've given sworn responses in this case</p> <p>17 that you reached out to your counsel's Miss Bourn's</p> <p>18 firm in mid-November, November 17th, 2023.</p> <p>19 A. Correct.</p> <p>20 Q. And you were not let go from BlackBerry 11:26:59</p> <p>21 until early December of 2023; correct?</p> <p>22 A. December the fourth I was told I was</p> <p>23 terminated.</p> <p>24 Q. So between when you yourself reached out</p> <p>25 to Ms. Bourn's firm on November 17th, 2023, and when 11:27:10</p> <p style="text-align: right;">Page 56</p>
<p>1 have decision-making authority over your 11:25:07</p> <p>2 compensation or did he not?</p> <p>3 MS. BOURN: Calls for speculation. Defense</p> <p>4 counsel is not a judge and won't -- will not tell</p> <p>5 you how to answer it. You can answer as you need 11:25:16</p> <p>6 to.</p> <p>7 THE WITNESS: Thank you.</p> <p>8 I felt he did because I was told</p> <p>9 explicitly that I was not being given a salary</p> <p>10 increase because he would be upset. 11:25:26</p> <p>11 BY MR. LAVOIE:</p> <p>12 Q. Did Tim Foote ever have decision-making</p> <p>13 authority over the scope of responsibility that you</p> <p>14 had?</p> <p>15 MS. BOURN: Calls for speculation. 11:25:36</p> <p>16 THE WITNESS: Similar. His influence could at</p> <p>17 times be strong enough that it did affect the</p> <p>18 decisions that were made.</p> <p>19 BY MR. LAVOIE:</p> <p>20 Q. I'm not asking whether it influenced a 11:25:46</p> <p>21 person who had decision-making authority.</p> <p>22 I'm saying, did Tim Foote have</p> <p>23 decision-making authority over the scope of your</p> <p>24 responsibilities?</p> <p>25 MS. BOURN: Asked and answered, calls for 11:25:58</p> <p style="text-align: right;">Page 55</p>	<p>1 you were told that you were being let go in December 11:27:17</p> <p>2 of 2023, it never once occurred to you that you</p> <p>3 might sue the company? That's your sworn testimony?</p> <p>4 A. That is, yeah, it never occurred to me.</p> <p>5 Q. Let's look at what is tab B in my binder 11:27:33</p> <p>6 which I'll mark as Exhibit 3.</p> <p>7 (Deposition Exhibit 3 was marked.)</p> <p>8 MR. LAVOIE: And we will go to page 19 of this</p> <p>9 document.</p> <p>10 BY MR. LAVOIE: 11:28:09</p> <p>11 Q. So in the middle of page 19 there's an</p> <p>12 interrogatory response which you swore to the truth</p> <p>13 of under the penalty of perjury where you write --</p> <p>14 and this is beginning on line 13 on the left-hand</p> <p>15 side. 11:28:22</p> <p>16 Do you see the line 13?</p> <p>17 A. Yes.</p> <p>18 Q. So underneath that it says, "Plaintiff</p> <p>19 responds she first contacted the Gomeran Bourn law</p> <p>20 firm on November 17, 2023." 11:28:32</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Is that true?</p> <p>24 A. It is, yeah.</p> <p>25 Q. And the Gomeran Bourn firm is the firm 11:28:37</p> <p style="text-align: right;">Page 57</p>

<p>1 John Chen of any kind in which either of you 12:10:55</p> <p>2 discussed the possibility of John Giamatteo taking</p> <p>3 over for him as CEO at some point?</p> <p>4 A. I recall John Chen mentioning that neither</p> <p>5 Mattias nor Giamatteo's performance was there so he 12:11:10</p> <p>6 didn't feel confident that they could be the next</p> <p>7 CEO.</p> <p>8 Q. So when John Chen discussed with you about</p> <p>9 the timing potentially drawing tight, what time</p> <p>10 frame was that? 12:11:31</p> <p>11 A. I think it was early 2023, maybe into 2022</p> <p>12 as well, 2022, 2023.</p> <p>13 Q. So in that period it was -- John Chen</p> <p>14 himself considered it possible that he might no</p> <p>15 longer be CEO at some point in 2023 or soon after? 12:11:49</p> <p>16 MS. BOURN: Calls for speculation.</p> <p>17 THE WITNESS: His contract term was five years</p> <p>18 so he wasn't sure if he was going to renew it.</p> <p>19 BY MR. LAVOIE:</p> <p>20 Q. And when did that contract expire 12:11:59</p> <p>21 according to your understanding?</p> <p>22 A. Sometime in November of 2023 I believe,</p> <p>23 early December.</p> <p>24 Q. So it was your understanding as</p> <p>25 November 2023 approached that John Chen's contract 12:12:09</p> <p style="text-align: right;">Page 86</p>	<p>1 United States? 12:13:15</p> <p>2 A. Not that I recall.</p> <p>3 Q. In communicating with him, did he ever</p> <p>4 comment to you on your physical appearance?</p> <p>5 A. He asked me if I was an Indian, that was 12:13:22</p> <p>6 the very first thing he said to me.</p> <p>7 Q. Did he ask, "Are you an Indian," like</p> <p>8 Native American, or Indian descent or heritage?</p> <p>9 A. He didn't say the word "descent" as far as</p> <p>10 I recall, so my guess would be, "Are you Indian?" 12:13:36</p> <p>11 Q. So not, "Are you an Indian?"</p> <p>12 A. I mean I guess not, no.</p> <p>13 Q. Did he ever -- other than asking if you</p> <p>14 were -- strike that.</p> <p>15 Other than the comment that you just 12:13:50</p> <p>16 described, did John Giamatteo ever remark on your</p> <p>17 physical appearance?</p> <p>18 A. Did he remark on my physical appearance?</p> <p>19 Not specifically like a feature of something like</p> <p>20 that. He made comments about how -- this is related 12:14:07</p> <p>21 to the dinner that he and he went on which he</p> <p>22 invited me to about how his daughters were a similar</p> <p>23 age and when he's out for dinner with them and was</p> <p>24 describing that, so that was the extent of it.</p> <p>25 Q. So I asked for whether he ever remarked on 12:14:26</p> <p style="text-align: right;">Page 88</p>
<p>1 was up to expire; correct? 12:12:13</p> <p>2 A. Yeah. He told me he was in discussions to</p> <p>3 renew it but that's all I knew.</p> <p>4 Q. You never wanted John Giamatteo to be your</p> <p>5 boss; correct? 12:12:21</p> <p>6 A. After he sexually harassed me and gender</p> <p>7 discriminated against me, no.</p> <p>8 Q. And you had no respect for John Giamatteo,</p> <p>9 did you?</p> <p>10 A. I mean somebody who sexually harassed you, 12:12:34</p> <p>11 it's hard to respect them.</p> <p>12 Q. So the answer is no, you did not respect</p> <p>13 him; right?</p> <p>14 A. I did not respect him.</p> <p>15 Q. In your communications with 12:12:43</p> <p>16 Mr. Giamatteo -- strike that.</p> <p>17 Did you respect him as a professional in</p> <p>18 terms of his background and experience?</p> <p>19 A. I didn't think his results were there.</p> <p>20 Did I respect him as a professional? Wasn't really 12:12:57</p> <p>21 my decision to make, so it wasn't something I</p> <p>22 focused on. I had a big job, busy job. That was my</p> <p>23 focus.</p> <p>24 Q. In your communications with Mr. Giamatteo,</p> <p>25 did he ever ask you where you lived prior to the 12:13:11</p> <p style="text-align: right;">Page 87</p>	<p>1 your physical appearance and your answer refers to 12:14:29</p> <p>2 an allegation you've made about a joke that he made</p> <p>3 about his daughters. So I'll just say your counsel</p> <p>4 is going to have an opportunity to ask you questions</p> <p>5 and you're going to have a chance to testify about 12:14:40</p> <p>6 whatever you want in response to your counsel's</p> <p>7 question.</p> <p>8 My question was not whether he made a joke</p> <p>9 about his daughters.</p> <p>10 My question was, did John Giamatteo ever 12:14:50</p> <p>11 make a remark to you about your physical appearance</p> <p>12 other than the one that you've already described?</p> <p>13 MS. BOURN: Calls for speculation.</p> <p>14 You can answer as you need to.</p> <p>15 THE WITNESS: To me, there's not an example I 12:15:05</p> <p>16 could think of at this point.</p> <p>17 BY MR. LAVOIE:</p> <p>18 Q. Did he ever say that you were pretty or</p> <p>19 good-looking or anything to that effect?</p> <p>20 A. Not with words, no. 12:15:15</p> <p>21 Q. What do you mean "not with words"?</p> <p>22 A. His -- like his physical -- the things he</p> <p>23 did showed me that he was interested in me, the</p> <p>24 touching and other things. So he didn't say it but</p> <p>25 there are other ways of saying it. 12:15:35</p> <p style="text-align: right;">Page 89</p>

<p>1 Q. So he -- did Mr. Giamatteo ever compliment 12:15:37 2 or comment on something that you wore, your attire? 3 A. Not that I recall. 4 Q. Have you ever heard Mr. Giamatteo use a 5 racial slur? 12:15:49 6 A. Not that I recall. 7 Q. Have you ever heard him use some kind of 8 derogatory racial term or tell a racist joke? 9 A. No. 10 Q. Have you ever heard Mr. Giamatteo use some 12:16:02 11 kind of gender insult such as calling someone a 12 bitch? 13 A. I haven't heard him call somebody a bitch, 14 no. 15 Q. Have you ever heard him make an off-color 12:16:14 16 joke other than the one that you've described? 17 A. That was the key one and I didn't respond 18 well to it, so my view is he didn't do it again in 19 front of me. But I've heard from others that he 20 would do things like that. 12:16:30 21 Q. Have you ever heard -- you've testified 22 about this joke. Have you in any other interaction 23 with him, did you ever hear him make a remark that 24 you considered to be sexist? 25 A. Directly to me, he was definitely -- 12:16:46 Page 90</p>	<p>1 think we're on Exhibit 4 now. 12:18:02 2 MS. BECK: Yes. 3 MR. LAVOIE: Sorry, Tab I. They look very 4 similar. 5 (Deposition Exhibit 4 was marked.) 12:18:37 6 BY MR. LAVOIE: 7 Q. So these are -- this is a single 8 interrogatory that your lawyer served on BlackBerry. 9 If you look at the second page, this is a written 10 question that came from your lawyers requiring an 12:18:47 11 under-oath response from BlackBerry. 12 A. Okay. 13 Q. So on the second page your counsel served 14 a written question on BlackBerry that said, "Have 15 you or anyone acting on your behalf, conducted 12:19:01 16 surveillance of Plaintiff?" That's you. And, "If 17 so, for each surveillance state," the details, 18 essentially. 19 Do you see that? 20 A. I see that. 12:19:19 21 Q. Have you ever suspected that BlackBerry 22 might be conducting surveillance on you? 23 A. I thought -- I had thought, like, I 24 wouldn't put it past them. The harassment was so 25 extreme. So it was something that I thought they 12:19:31 Page 92</p>
<p>1 definitely discriminated against me based on my 12:16:48 2 gender and making a comment to me after his early 3 behaviors where I was very clear that this was not 4 going to fly with me. He was better -- like he 5 didn't make those comments again in front of me, but 12:17:04 6 I have heard that he did it in front of other women. 7 MR. LAVOIE: So I'll move to strike that as 8 nonresponsive. 9 BY MR. LAVOIE: 10 Q. So my very specific question was, have you 12:17:13 11 ever had -- so strike that. 12 You've never had an interaction with John 13 Giamatteo where he made a remark that you perceived 14 as sexist other than the joke that you've referenced 15 about his daughters; correct? 12:17:27 16 A. His behavior was very sexist but a comment 17 specifically, no. 18 Q. Other than the comment that you described 19 about asking whether you're Indian, did you ever 20 hear John Giamatteo make any other remark regarding 12:17:46 21 your race? 22 A. That was the one. 23 Q. Only one? 24 A. Yes. 25 MR. LAVOIE: Let's look at Tab No. 4 which I 12:17:59 Page 91</p>	<p>1 would do. 12:19:35 2 Q. Did you ever see or observe any indication 3 like someone following you or some online activity 4 or something that you thought was suspicious or 5 indicative of surveillance? 12:19:46 6 A. No. 7 Q. But you thought BlackBerry might, for 8 example, like, hire a private detective to trail you 9 around town or something? 10 A. Their behavior in harassing and 12:19:56 11 discriminating against me was so extreme, I want to 12 say I wouldn't put anything past them. 13 Q. For the final few years you had at 14 BlackBerry, we've talked that you led the elite 15 customer success team. 12:20:12 16 I want to take you back to early 2021. 17 John Giamatteo joins in October of 2021. 18 Are you with me so far? 19 A. Yes. 20 Q. So before John Giamatteo started at 12:20:23 21 BlackBerry, and I believe you've referenced this 22 already in your testimony today, you made a 23 complaint about [REDACTED] [REDACTED] correct? 25 A. I don't remember how -- I don't think I 12:20:38 Page 93</p>

<p>1 made the complaint. I don't recall exactly, but I 12:20:40</p> <p>2 think somebody made a complaint. A situation</p> <p>3 arose -- I don't remember if I submitted a complaint</p> <p>4 but I remember an investigation.</p> <p>5 Q. And Mr. Curiale led that investigation; 12:20:52</p> <p>6 correct?</p> <p>7 A. I believe so. I don't know if he was</p> <p>8 leading or HR was but he was definitely somebody I</p> <p>9 spoke with.</p> <p>10 Q. And after HR or Mr. Curiale concluded the 12:21:03</p> <p>11 investigation, and this is according to one of the</p> <p>12 documents that you held onto and produced to us in</p> <p>13 this case, the conclusion of the investigation was</p> <p>14 that, among other things, there was a, quote, toxic</p> <p>15 atmosphere between your elite customer team and 12:21:19</p> <p>16 [REDACTED].</p> <p>17 Do you think that's accurate that there</p> <p>18 was a toxic environment, separating who's to blame,</p> <p>19 right, but just to begin, did you agree with the</p> <p>20 outcome of that investigation that there was a toxic 12:21:34</p> <p>21 atmosphere between your elite customer organization</p> <p>22 and the cyber sales team?</p> <p>23 A. I -- maybe somebody has the document. I</p> <p>24 remember the outcome of the investigation being that</p> <p>25 [REDACTED] got fired. I don't remember the 12:21:46</p> <p style="text-align: right;">Page 94</p>	<p>1 between the elite customer team and [REDACTED] 12:23:01</p> <p>2 [REDACTED] as completely dysfunctional.</p> <p>3 Did you agree with that?</p> <p>4 A. Completely dysfunctional? No, I think the</p> <p>5 teams were collaborating on some things that they 12:23:16</p> <p>6 needed to collaborate on.</p> <p>7 Q. [REDACTED] was also fired at the</p> <p>8 conclusion of this investigation; correct?</p> <p>9 A. I recall him being fired. I don't know</p> <p>10 that the timing was the same as [REDACTED] So I don't 12:23:28</p> <p>11 know the reasons for his firing. Or if he left in</p> <p>12 fact. I don't know.</p> <p>13 Q. And all of this obviously transpired</p> <p>14 before John Giamatteo joined the company; correct?</p> <p>15 A. Correct. 12:23:42</p> <p>16 MR. LAVOIE: Let's look at Tab 7 which I'll</p> <p>17 just mark as the next exhibit, Exhibit 5.</p> <p>18 (Deposition Exhibit 5 was marked.)</p> <p>19 BY MR. LAVOIE:</p> <p>20 Q. Exhibit 5 is an e-mail exchange and it 12:24:12</p> <p>21 reads in reverse chron order, so at the bottom it's</p> <p>22 the earliest in time in e-mail. So it starts with</p> <p>23 an e-mail from John Chen to Steve Rai and Neelam</p> <p>24 Sandhu copying John Giamatteo on October 5, 2021.</p> <p>25 And the subject line is Elite/Field Working Together 12:24:34</p> <p style="text-align: right;">Page 96</p>
<p>1 full document. 12:21:49</p> <p>2 Q. We'll get to that and I'm not asking you</p> <p>3 what the document said.</p> <p>4 I'm saying, did you agree at the time in</p> <p>5 early 2021 that the relationship between the elite 12:21:56</p> <p>6 customer organization and the cybersecurity sales</p> <p>7 team was toxic?</p> <p>8 A. Like the full teams, no, I don't think so.</p> <p>9 I think there was an issue between [REDACTED]</p> <p>10 [REDACTED], but I didn't have that same issue with, 12:22:14</p> <p>11 let's say -- so I believe [REDACTED] if I remember</p> <p>12 correctly, [REDACTED]</p> <p>13 [REDACTED] I didn't have that issue</p> <p>14 with. So I thought it was localized to, like, [REDACTED]</p> <p>15 [REDACTED] and then [REDACTED] worked for him. 12:22:34</p> <p>16 Q. So my question was different.</p> <p>17 I'm just saying, was the dynamic between</p> <p>18 the two teams toxic or was it not toxic at that</p> <p>19 time, in early 2021?</p> <p>20 A. When you say "team," I think everybody. 12:22:46</p> <p>21 So I would say no.</p> <p>22 Q. Was it toxic as between anybody?</p> <p>23 A. With [REDACTED] it was, yes, because</p> <p>24 I believe he was racist.</p> <p>25 Q. And Mr. Curiale described the situation 12:22:58</p> <p style="text-align: right;">Page 95</p>	<p>1 Framework and Plan. 12:24:39</p> <p>2 Do you see that?</p> <p>3 A. I see that.</p> <p>4 Q. And Mr. Chen writes, "Please get this</p> <p>5 completed as none of you (you, me, Neelam, and 12:24:48</p> <p>6 Adam)" -- who is Adam?</p> <p>7 A. I think he's the Europe leader. I don't</p> <p>8 know if he -- he moved to the U.S. -- he was back</p> <p>9 and forth between U.S. and Europe. At this point I</p> <p>10 can't remember which location he was in, but he was 12:25:06</p> <p>11 in the sales team.</p> <p>12 Q. Adam Enterkin?</p> <p>13 A. Correct.</p> <p>14 Q. So he was in the cyber sales team that</p> <p>15 John Giamatteo was then hired to lead? 12:25:13</p> <p>16 A. Correct.</p> <p>17 Q. So Mr. Chen writes, "Please get this</p> <p>18 complete as none of us (you, me, Neelam, and Adam)</p> <p>19 would like to continue to spend time on this."</p> <p>20 (Reporter seeks clarification.) 12:25:25</p> <p>21 Q. "Neelam brought it up again with me</p> <p>22 regarding the MAP approval. This is now a binary</p> <p>23 situation."</p> <p>24 Do you see that?</p> <p>25 A. I see that. 12:25:33</p> <p style="text-align: right;">Page 97</p>

<p>1 Q. What was it -- what did you understand to 12:25:36</p> <p>2 be taking up the time that John Chen references this</p> <p>3 year?</p> <p>4 (Witness reviews document.)</p> <p>5 A. From what I remember, this was 2021, the 12:25:49</p> <p>6 sales team, as salespeople always do, want the best</p> <p>7 accounts or want the accounts that are doing well.</p> <p>8 Salespeople always fight about territories and</p> <p>9 things like that. So with the accounts that I was</p> <p>10 responsible for, we were doing -- we were seeing 12:26:15</p> <p>11 success with them in terms of getting deals and</p> <p>12 other things. And the sales team had asked if those</p> <p>13 accounts could be reabsorbed by their business. And</p> <p>14 John Chen had said no. And I can't remember</p> <p>15 exactly, but at some point, I don't know if it was 12:26:34</p> <p>16 2021 or 2022, but there was a clear MAP update made.</p> <p>17 I think there were a couple of updates, but I don't</p> <p>18 remember the exact timing.</p> <p>19 Q. And this is dated October 5th, 2021. I'll</p> <p>20 represent to you that was one day after John 12:26:47</p> <p>21 Giamatteo joined the company on October 4th, 2021.</p> <p>22 Do you have reason to dispute that?</p> <p>23 A. I know Giamatteo joined in October 2021.</p> <p>24 I don't remember the exact date. Saying the 5th,</p> <p>25 could be one day or four days after but soon after, 12:27:02</p> <p style="text-align: right;">Page 98</p>	<p>1 October 5th, 2021; is that fair? 12:28:40</p> <p>2 A. That's fair.</p> <p>3 Q. I assume you don't blame John Giamatteo</p> <p>4 for that conduct that predated his employment there;</p> <p>5 right? 12:28:50</p> <p>6 A. I don't blame him for the pre-conduct, no.</p> <p>7 Q. And you don't -- well, strike that.</p> <p>8 Mr. Giamatteo's written communications to</p> <p>9 you like e-mails -- let me actually ask this</p> <p>10 question. 12:29:11</p> <p>11 In what formats did you have written</p> <p>12 communications with John Giamatteo, like e-mail,</p> <p>13 BBMe, text?</p> <p>14 A. Definitely e-mail, BBM I believe as well.</p> <p>15 Text, I don't remember. I think that's it. That 12:29:26</p> <p>16 would be what we used to use.</p> <p>17 Q. So when Mr. Giamatteo wrote e-mails to you</p> <p>18 or BBMe messages to you, was he generally polite and</p> <p>19 professional?</p> <p>20 A. I would say passive/aggressive. 12:29:47</p> <p>21 Q. So my question is different.</p> <p>22 Is it your testimony that when John</p> <p>23 Giamatteo wrote e-mails and BBMe messages to you,</p> <p>24 that he was impolite or unprofessional?</p> <p>25 A. If you define passive/aggressive as 12:30:07</p> <p style="text-align: right;">Page 100</p>
<p>1 yeah. I don't know the exact date he joined. 12:27:03</p> <p>2 Q. So in the next e-mail Steve Rai responds</p> <p>3 to the group and says, "Understood. John G and I</p> <p>4 are scheduled to speak tomorrow."</p> <p>5 Then you write and you drop John Chen and 12:27:15</p> <p>6 John Giamatteo, write only to Steve Rai, "This is an</p> <p>7 example of what I mean by constant</p> <p>8 opinion/discussions about my role."</p> <p>9 What did you mean by that?</p> <p>10 A. So I was at BlackBerry for nearly 15 12:27:35</p> <p>11 years, if I remember correctly, like just shy of, I</p> <p>12 think, before I got fired and had lots of good</p> <p>13 experiences. And it was around the time I joined</p> <p>14 John Chen's leadership team that I started to</p> <p>15 experience what I would describe as gender 12:28:03</p> <p>16 discrimination. It was -- I do think it was a</p> <p>17 culture problem within the company and it was -- you</p> <p>18 know, it got worse and worse over time. And then</p> <p>19 when John Giamatteo joined, it was when it became</p> <p>20 worse than it had ever been before. 12:28:23</p> <p>21 I don't remember the question, but if you</p> <p>22 could repeat it.</p> <p>23 Q. So it's your testimony that you</p> <p>24 experienced long-running gender discrimination at</p> <p>25 the company prior to sending this e-mail on 12:28:36</p> <p style="text-align: right;">Page 99</p>	<p>1 impolite, I would say impolite. I wouldn't say he 12:30:08</p> <p>2 was always professional.</p> <p>3 Q. Well, can you recall an example of a</p> <p>4 written communication, an e-mail or a BBMe where</p> <p>5 Mr. Giamatteo was passive/aggressive? 12:30:22</p> <p>6 MS. BOURN: Calls for a narrative.</p> <p>7 THE WITNESS: Let's see, what do I recall?</p> <p>8 I've got an example where he e-mailed -- sent an</p> <p>9 e-mail saying he wants to set up something like a</p> <p>10 regular review meeting where he and Steve Rai will 12:30:40</p> <p>11 review deals that my team are working on and make</p> <p>12 decisions on them and essentially implying that I</p> <p>13 would not be part of that, he would be directly</p> <p>14 interfacing with my team and got -- directing them.</p> <p>15 I think that's unprofessional and 12:31:04</p> <p>16 passive/aggressive.</p> <p>17 BY MR. LAVOIE:</p> <p>18 Q. So the substance of what he was trying to</p> <p>19 do you viewed as passive/aggressive.</p> <p>20 I'm talking about, like, the tone and 12:31:12</p> <p>21 tenor and word choice of his e-mails, was anything</p> <p>22 about that unprofessional or impolite?</p> <p>23 A. The tone, from what I recall, no, but I</p> <p>24 don't think unprofessional comes down to just tone.</p> <p>25 Q. In any interaction with you, has 12:31:35</p> <p style="text-align: right;">Page 101</p>

<p>1 Mr. Giamatteo ever raised his voice? 12:31:40</p> <p>2 A. Yes.</p> <p>3 Q. In what interaction? Did he raise his</p> <p>4 voice directed at you or was it in a group setting?</p> <p>5 Can you describe? 12:31:55</p> <p>6 A. I believe it was one-on-one. It's more</p> <p>7 like you could hear the frustration coming through</p> <p>8 in his voice so I would say yes.</p> <p>9 Q. Which conversation was that?</p> <p>10 A. After a while I would say it became most 12:32:08</p> <p>11 conversations with him. It wasn't friendly and --</p> <p>12 yeah, it was not a friendly tone of voice.</p> <p>13 Q. Did you ever display frustration when you</p> <p>14 were talking to John Giamatteo?</p> <p>15 A. I tried not to. I tried to be 12:32:30</p> <p>16 professional. I don't recall a time I -- in a</p> <p>17 conversation with him. Perhaps in an e-mail to John</p> <p>18 Chen I would have.</p> <p>19 Q. So it's your testimony, in some of your</p> <p>20 one-on-one interactions with John Giamatteo, he 12:32:45</p> <p>21 would display frustration with you but you did not</p> <p>22 display frustration with him? That's your</p> <p>23 testimony?</p> <p>24 A. Yes.</p> <p>25 Q. And he raised his voice at you on one or 12:32:55</p> <p style="text-align: right;">Page 102</p>	<p>1 A. I was certainly frustrated that nobody 12:33:57</p> <p>2 was -- I didn't feel like my -- the treatment I was</p> <p>3 receiving, both based on gender discrimination and</p> <p>4 sexual harassment, was being taken seriously or</p> <p>5 acted upon. 12:34:11</p> <p>6 MR. LAVOIE: We'll pull what I will mark as</p> <p>7 Exhibit 6.</p> <p>8 (Deposition Exhibit 6 was marked.)</p> <p>9 THE WITNESS: Do you want me to read the whole</p> <p>10 thing? 12:34:47</p> <p>11 BY MR. LAVOIE:</p> <p>12 Q. Sorry. I can take you to -- so I'll look</p> <p>13 at the first page. There's an e-mail from you to</p> <p>14 Steve Rai and David Dougall, copying Tim Foote and</p> <p>15 Phil Kurtz on April 14th, 2022. 12:35:04</p> <p>16 Do you see that?</p> <p>17 A. I see that.</p> <p>18 Q. So John Giamatteo had been at the company</p> <p>19 for like half a year at this point, right, since</p> <p>20 October of 2021? 12:35:13</p> <p>21 A. Yeah, that sounds reasonable.</p> <p>22 Q. And you write to Steve Rai, the chief</p> <p>23 financial officer at the time, "No problem. Phil</p> <p>24 sent an e-mail a few days ago. Will send you a</p> <p>25 solid draft by tend of next week." 12:35:27</p> <p style="text-align: right;">Page 104</p>
<p>1 more occasions in conversation and you never raised 12:32:57</p> <p>2 your voice with him?</p> <p>3 A. I'm not very good at like -- it's not like</p> <p>4 something I do.</p> <p>5 Q. Steve Rai -- sorry. Strike that. 12:33:05</p> <p>6 Did John Giamatteo ever direct profanity</p> <p>7 at you?</p> <p>8 A. Like to me one-on-one, like what do you</p> <p>9 mean, swear words? No.</p> <p>10 Q. Steve Rai was -- so -- strike that. 12:33:20</p> <p>11 Is it your testimony you never raised your</p> <p>12 voice with people at work?</p> <p>13 A. Yeah. I mean that's just not me</p> <p>14 personally or professionally.</p> <p>15 Q. So the answer is no, you never raised your 12:33:36</p> <p>16 voice with people at BlackBerry?</p> <p>17 A. Yes.</p> <p>18 Q. Steve Rai BlackBerry's chief financial</p> <p>19 officer for the last several years you were at the</p> <p>20 company; correct? 12:33:47</p> <p>21 A. Several like?</p> <p>22 Q. The last couple of years.</p> <p>23 A. Yeah.</p> <p>24 Q. And you had conflicts at work with Steve</p> <p>25 Rai, did you not? 12:33:55</p> <p style="text-align: right;">Page 103</p>	<p>1 Do you see that? 12:35:29</p> <p>2 A. Yes.</p> <p>3 Q. And in the next e-mail -- so that's on</p> <p>4 Thursday, April 14th, so on a Thursday. And then 10</p> <p>5 days later, on a Sunday, Steve Rai writes back to 12:35:38</p> <p>6 you and says, "Neelam, appreciate update tomorrow,</p> <p>7 please. Board material needs to be posted one week</p> <p>8 in advance."</p> <p>9 So you had said, "I'll get you a draft by</p> <p>10 the end of next week," which I think, judging from 12:35:50</p> <p>11 the dates, that would have been Friday, April 22nd;</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. It's now Sunday, April 24th, and Mr. Rai</p> <p>15 is just asking you for an update here informing you 12:36:01</p> <p>16 that the board materials need to be posted one week</p> <p>17 in advance.</p> <p>18 Do you see that?</p> <p>19 A. Correct, yeah.</p> <p>20 Q. And then you write to John Chen, dropping 12:36:12</p> <p>21 everyone else -- well, adding John Chen. You add</p> <p>22 John Chen, you forward this to him without anyone</p> <p>23 else on the e-mail.</p> <p>24 Do you see that?</p> <p>25 A. Yes. 12:36:24</p> <p style="text-align: right;">Page 105</p>

<p>1 Q. And you write, "I did respond." And then 12:36:24</p> <p>2 at the bottom of this you write, "Let's stop</p> <p>3 attacking me. It is not right."</p> <p>4 Do you see that?</p> <p>5 A. Yes. I just want to read the in-between 12:36:34</p> <p>6 in case you ask me a question about it.</p> <p>7 (Witness reviews document.)</p> <p>8 A. Yes.</p> <p>9 Q. You thought that Mr. Rai was attacking</p> <p>10 you; correct? 12:36:51</p> <p>11 A. I didn't -- again, I didn't feel like I</p> <p>12 was being taken seriously and I felt that I had</p> <p>13 been -- I was not generally, as other execs were,</p> <p>14 given the opportunity to present my own work to the</p> <p>15 board. And so with this ask, I was looped in very 12:37:08</p> <p>16 late. To put an ESG report together is a lengthy</p> <p>17 process and I was given this request very late and</p> <p>18 asked to turn it around in a short time frame. What</p> <p>19 I remember and -- it does say Vancouver here. I</p> <p>20 remember having to go to Canada in between maybe for 12:37:29</p> <p>21 a customer meeting or something. It was a work</p> <p>22 trip.</p> <p>23 And so, again, having that short</p> <p>24 turn-around time. And so I called Steve Rai and</p> <p>25 said hey, I'm working on this, short turn-around 12:37:42</p> <p style="text-align: right;">Page 106</p>	<p>1 individuals who you believe were attacking you 12:38:44</p> <p>2 regularly?</p> <p>3 A. John Giamatteo, Tim Foote, Phil Kurtz.</p> <p>4 Those are really the key ones. And then at times I</p> <p>5 didn't feel like Steve Rai was being appropriately 12:38:59</p> <p>6 professional or supportive either.</p> <p>7 Q. So would you include Steve Rai in the list</p> <p>8 of individuals who were attacking you?</p> <p>9 A. He went along with the crowd at times.</p> <p>10 Q. But did he himself attack you or did he 12:39:20</p> <p>11 just like not stop it, is that what you're saying?</p> <p>12 A. I think a mix of both. When I look at</p> <p>13 this e-mail, he was again kind of misrepresenting</p> <p>14 things so I do see that in the same vein especially</p> <p>15 when you bring all of these examples together. 12:39:38</p> <p>16 Q. So John Giamatteo was one of your</p> <p>17 attackers, according to your testimony, and then</p> <p>18 other attackers, the key ones were Tim Foote and</p> <p>19 Phil. You also testified that you believe Steve Rai</p> <p>20 was one of your attackers. 12:39:52</p> <p>21 What other individuals at the company, and</p> <p>22 we can limit it to like the last couple of years at</p> <p>23 the company, would you consider to have been your</p> <p>24 attackers at the company?</p> <p>25 A. Attackers, it would be really kind of 12:40:07</p> <p style="text-align: right;">Page 108</p>
<p>1 time, not familiar with the board process because 12:37:44</p> <p>2 I'm not normally included in them or being given</p> <p>3 like the opportunity to submit -- present my own</p> <p>4 work.</p> <p>5 And so, yes, on a regular basis I felt 12:37:51</p> <p>6 like I was being attacked. And any small thing like</p> <p>7 being a day -- which I do not call it late, but a</p> <p>8 day or so late when I had been pulled in really late</p> <p>9 and to pull together an entire ESG report and then</p> <p>10 having to travel in between, calling Steve and 12:38:09</p> <p>11 saying I'm going to need a little bit more time.</p> <p>12 Let me know if that's okay. And then him sending an</p> <p>13 e-mail that didn't represent that conversation, I</p> <p>14 did feel like it was in that same vein of me being</p> <p>15 attacked. 12:38:24</p> <p>16 MR. LAVOIE: Okay. I'm going to move to strike</p> <p>17 the majority of that answer that did not reference</p> <p>18 whether you believed you were being attacked or not.</p> <p>19 That was my simple question.</p> <p>20 BY MR. LAVOIE: 12:38:32</p> <p>21 Q. You testified that you felt like you were</p> <p>22 being attacked regularly?</p> <p>23 A. Yes.</p> <p>24 Q. Who? Can you list for me just the names,</p> <p>25 not the back story, just the names of the 12:38:40</p> <p style="text-align: right;">Page 107</p>	<p>1 focused on Giamatteo's team. People within his 12:40:08</p> <p>2 team -- men within his team were emboldened by him</p> <p>3 and did not treat me professionally as a woman. And</p> <p>4 he allowed that and then so it kind of spread within</p> <p>5 his team. 12:40:30</p> <p>6 Q. I'm just asking for names of individuals.</p> <p>7 So what names of individuals who've</p> <p>8 attacked you?</p> <p>9 A. I wouldn't be able to list them all, but</p> <p>10 maybe if I can think of some. Hans-Peter would be 12:40:42</p> <p>11 one. Who else was on his team? I think Billy Ho</p> <p>12 would be another. Again, when he moved to report</p> <p>13 under Giamatteo is when that started, from my</p> <p>14 perspective, and those are a couple I can think of.</p> <p>15 Q. So I just want to get a comprehensive list 12:41:04</p> <p>16 of people who you considered to have attacked you in</p> <p>17 your final couple years at the company. You listed</p> <p>18 John Giamatteo, Tim Foote, Phil Kurtz, Steve Rai,</p> <p>19 Hans-Peter Bauer, Billy Ho.</p> <p>20 Anyone else who attacked you? 12:41:29</p> <p>21 A. Those are the names I can remember at this</p> <p>22 time. That's a good list.</p> <p>23 Q. Is there anyone else who you remember from</p> <p>24 your last couple of years at the company in your</p> <p>25 experience who attacked you as you sit here right 12:41:42</p> <p style="text-align: right;">Page 109</p>

<p>1 now? 12:41:45</p> <p>2 A. At this moment in time, no.</p> <p>3 Q. If you think of additional people</p> <p>4 throughout the remaining hours of the deposition</p> <p>5 that you didn't mention, will you let me know? 12:41:53</p> <p>6 A. Of course. No problem.</p> <p>7 Q. And is it your opinion that Steve Rai is</p> <p>8 racist or sexist and that's why he attacked you?</p> <p>9 A. I don't know, obviously, but my guess</p> <p>10 would be he would go along with the crowd as he 12:42:12</p> <p>11 wanted to be part of kind of that boys' club.</p> <p>12 Q. So my question wasn't whether he wanted to</p> <p>13 go along with the crowd or not.</p> <p>14 My question is, based on your interactions</p> <p>15 with Steve Rai, do you believe he was racist or 12:42:29</p> <p>16 sexist?</p> <p>17 A. Possibly sexist, yeah, I do think so.</p> <p>18 Q. And what facts informed that opinion that</p> <p>19 Steve Rai is a sexist person?</p> <p>20 A. He would go along with the boys' club 12:42:43</p> <p>21 rather than standing up for the right thing.</p> <p>22 Q. So he wouldn't always side with you or he</p> <p>23 would often side with people, men, who disagreed</p> <p>24 with you?</p> <p>25 MS. BOURN: Misstates prior testimony. 12:42:55</p> <p style="text-align: right;">Page 110</p>	<p>1 BY MR. LAVOIE: 12:43:42</p> <p>2 Q. My question is very specifically, did you</p> <p>3 ever tell Steve Rai that John Giamatteo had touched</p> <p>4 you or tried to touch you? Did you tell him that or</p> <p>5 did you not tell him that? 12:43:51</p> <p>6 A. I did not.</p> <p>7 Q. Did you ever tell Steve Rai that John</p> <p>8 Giamatteo had suggested traveling together? Did you</p> <p>9 tell Steve Rai that or did you not tell him that?</p> <p>10 A. I did. 12:44:04</p> <p>11 Q. When you told Steve Rai that, did you tell</p> <p>12 him that you interpreted that as a sexual advance,</p> <p>13 yes or no?</p> <p>14 A. Yes.</p> <p>15 Q. And so your contention -- strike that. 12:44:12</p> <p>16 MR. LAVOIE: Let's go to what I'll mark as</p> <p>17 Exhibit 7 which is Tab 30 for me.</p> <p>18 (Deposition Exhibit 7 was marked.)</p> <p>19 BY MR. LAVOIE:</p> <p>20 Q. Did you ever tell Steve Rai that you 12:45:00</p> <p>21 thought that John Giamatteo was retaliating against</p> <p>22 you in some way because you had rejected a sexual</p> <p>23 advance?</p> <p>24 A. Yes.</p> <p>25 Q. You did? 12:45:12</p> <p style="text-align: right;">Page 112</p>
<p>1 MR. LAVOIE: I'm just trying to -- it's a 12:42:57</p> <p>2 question.</p> <p>3 THE WITNESS: It's not about siding. It's</p> <p>4 about doing the right thing. I spoke to him about</p> <p>5 the sexual harassment and he did nothing really. So 12:42:59</p> <p>6 that's not siding; that's just not doing the right</p> <p>7 thing. That's going with the boys' club.</p> <p>8 BY MR. LAVOIE:</p> <p>9 Q. Did you tell Steve Rai at any point that</p> <p>10 John Giamatteo had touched you or tried to touch 12:43:12</p> <p>11 you?</p> <p>12 A. I told him that he made me very</p> <p>13 uncomfortable. I'm not comfortable talking about</p> <p>14 these kind of things.</p> <p>15 Q. Wasn't my question. Wasn't asking whether 12:43:23</p> <p>16 you told Steve Rai whether you were comfortable or</p> <p>17 uncomfortable.</p> <p>18 My specific question was, did you ever</p> <p>19 tell Steve Rai that John Giamatteo touched you or</p> <p>20 tried to touch you? 12:43:33</p> <p>21 A. I said he was making me very</p> <p>22 uncomfortable.</p> <p>23 MR. LAVOIE: Again, I'm going to move to strike</p> <p>24 as nonresponsive, because it doesn't answer my</p> <p>25 question. 12:43:42</p> <p style="text-align: right;">Page 111</p>	<p>1 A. Yes. 12:45:12</p> <p>2 Q. You said he rejected my -- I rejected his</p> <p>3 sexual advance and he has retaliated against me by</p> <p>4 doing what?</p> <p>5 A. Cutting me out of meetings, trying to get 12:45:21</p> <p>6 my -- have my role be reduced or get me fired,</p> <p>7 telling people he was working on getting me out of</p> <p>8 the company, being nonresponsive at times, those</p> <p>9 things.</p> <p>10 (Reporter seeks clarification.) 12:45:47</p> <p>11 Q. Just to be very clear, it doesn't surprise</p> <p>12 me that you shared your views with Steve Rai that</p> <p>13 John Giamatteo didn't invite you to meetings and</p> <p>14 things of that nature. But you're certain that you</p> <p>15 told Steve Rai that the reason John Giamatteo was 12:46:02</p> <p>16 doing those things is because you had rejected his</p> <p>17 sexual advance?</p> <p>18 A. I may not have used the words "sexual</p> <p>19 advance" but I did speak to Steve Rai about this.</p> <p>20 Q. Yes. So what specifically did you tell 12:46:14</p> <p>21 Steve Rai? When you said John Giamatteo was doing</p> <p>22 X, Y, and Z things and he's doing it because --</p> <p>23 what? What words did you use?</p> <p>24 A. I don't remember the exact words. But it</p> <p>25 would have been that -- along the lines of I didn't 12:46:27</p> <p style="text-align: right;">Page 113</p>

<p>1 agree to things, with doing things that would 12:46:31</p> <p>2 have -- I believe were unprofessional and would make</p> <p>3 me uncomfortable. For example, traveling together,</p> <p>4 which I found to be a strange thing to ask me, and</p> <p>5 after not positively responding -- that's what I 12:46:46</p> <p>6 used to say -- positively responding to his</p> <p>7 advances. That was it.</p> <p>8 Q. Okay. That's what you told Steve Rai?</p> <p>9 A. That was a phrase I used to use because</p> <p>10 saying "sexual" in the office sounds weird to me. 12:46:56</p> <p>11 Q. Yeah. but it was clear to both of you, it</p> <p>12 was your understanding that that meant sexual</p> <p>13 advances?</p> <p>14 A. Oh, yes, yeah.</p> <p>15 Q. And when did you tell him that relative to 12:47:07</p> <p>16 when Mr. Giamatteo engaged in the sexual advance?</p> <p>17 A. I don't remember, to be honest with you.</p> <p>18 It was more than once. But I remember going to John</p> <p>19 Chen first. I don't remember when I went to Steve</p> <p>20 Rai. 12:47:23</p> <p>21 Q. How soon after John Giamatteo first made</p> <p>22 some kind of sexual advance, according to you, did</p> <p>23 you tell John Chen about it? How much time between</p> <p>24 them?</p> <p>25 A. I think it was within 24 to 48 hours. 12:47:34</p> <p style="text-align: right;">Page 114</p>	<p>1 uncomfortable. 12:49:01</p> <p>2 BY MR. LAVOIE:</p> <p>3 Q. And I want to drill down on the touching.</p> <p>4 What did you tell John Chen that John</p> <p>5 Giamatteo had done with respect to touching you or 12:49:07</p> <p>6 trying to touch you?</p> <p>7 A. I didn't go into all of the specifics.</p> <p>8 Again, these are things I'm not very comfortable</p> <p>9 speaking about in life in general, especially in a</p> <p>10 professional environment. And John Chen didn't have 12:49:21</p> <p>11 much of an appetite for these types of conversations</p> <p>12 either. So I remember telling him at dinner John</p> <p>13 Giamatteo is like leaning over the table and</p> <p>14 touching my hand and then after dinner he was</p> <p>15 getting uncomfortably close and sort of summarized 12:49:36</p> <p>16 it, I would say.</p> <p>17 Q. Let's drill down on the touching. You</p> <p>18 said two things so far. Was there any other</p> <p>19 touching other than, like, leaning over the table to</p> <p>20 try to touch your hand or touching your hand and 12:49:49</p> <p>21 when you walked away and you were close? Was there</p> <p>22 any -- at any point in your life that John Giamatteo</p> <p>23 touched you inappropriately or tried to touch you?</p> <p>24 A. No. And I believe that is because I was</p> <p>25 pretty clear that this is not going to happen. 12:50:05</p> <p style="text-align: right;">Page 116</p>
<p>1 Q. And how did he respond? 12:47:38</p> <p>2 A. He said he thought it was very disturbing.</p> <p>3 He said I don't have to travel with him. And that</p> <p>4 was what he said.</p> <p>5 Q. Tell me everything that you told John Chen 12:47:49</p> <p>6 in that conversation when you were describing John</p> <p>7 Giamatteo's advance.</p> <p>8 MS. BOURN: Calls for a narrative.</p> <p>9 THE WITNESS: From what I remember, I told him</p> <p>10 that Giamatteo asked me to travel with him without 12:48:00</p> <p>11 giving any sort of business reason or asking me</p> <p>12 about my background of what my career ambitions</p> <p>13 might be or anything professional. I mentioned the</p> <p>14 dinner invitation. I mentioned his touching over</p> <p>15 dinner. I mentioned his comment to me about his 12:48:19</p> <p>16 daughters that had strong parallels to the dinner.</p> <p>17 Mentioned . . . what else -- those are the things</p> <p>18 that spring immediately to mind.</p> <p>19 I mentioned it made me highly</p> <p>20 uncomfortable. I mentioned the conversation with 12:48:40</p> <p>21 Shaila as well at some point which happened later.</p> <p>22 So pretty much everything that was occurring I would</p> <p>23 have brought it up to him and said this is -- I</p> <p>24 don't have an e-mail that shows this but these are</p> <p>25 the things that are happening and making me highly 12:48:59</p> <p style="text-align: right;">Page 115</p>	<p>1 Q. I just want to narrow the universe so we 12:50:08</p> <p>2 can drill down. Let's talk about when you allege</p> <p>3 that he tried to touch your hands.</p> <p>4 A. Touched, yeah.</p> <p>5 Q. He did touch your hands. 12:50:18</p> <p>6 Can you show me like what do you mean by</p> <p>7 that? You're sitting across from each other?</p> <p>8 A. Yeah, like a high -- in the bar there's,</p> <p>9 like, high tables.</p> <p>10 Q. High-top? You're on a bar stool? 12:50:29</p> <p>11 A. Yes. It was like a narrow table, not like</p> <p>12 this, so it's easy -- you're in close proximity</p> <p>13 let's say. So I'm sitting at the table. He's</p> <p>14 leaning over and touching. I ordered fries and he</p> <p>15 wanted to share them. Or it was something -- I 12:50:47</p> <p>16 think it was fries. I normally get fries and he</p> <p>17 wanted to share them. So as I'm going for them,</p> <p>18 he's going for them, so it was ongoing attempts to</p> <p>19 touch and that's --</p> <p>20 Q. So your recollection is you're going for a 12:51:02</p> <p>21 fry and the way he tried to touch you is that he</p> <p>22 would choose to go for a fry with his hands at the</p> <p>23 same time that you tried to go for a fry with yours?</p> <p>24 MS. BOURN: Calls for speculation.</p> <p>25 THE WITNESS: That is one example, yeah. But 12:51:17</p> <p style="text-align: right;">Page 117</p>

<p>1 as I also said, if I'm sitting at the table, kind of 12:51:18</p> <p>2 like this or just whatever -- however one sits,</p> <p>3 resting the fork down, actually leaning over and</p> <p>4 touching my hand as well.</p> <p>5 BY MR. LAVOIE: 12:51:29</p> <p>6 Q. Let's focus on the fries for a second. So</p> <p>7 you're reaching for a fry and then you're alleging</p> <p>8 that he would choose to reach for a fry at the same</p> <p>9 time you did so that he would basically have an</p> <p>10 excuse to touch you. 12:51:42</p> <p>11 Is that what you're saying?</p> <p>12 A. I think that's one example but</p> <p>13 deliberately going for my hand rather than the food.</p> <p>14 Q. So you would go for a fry and when you</p> <p>15 went for a fry, he would go to touch your hand? 12:51:51</p> <p>16 A. Yeah. Like say it's a bowl. Didn't --</p> <p>17 you can reach for a fry at the same time as someone</p> <p>18 and get your hand like that on theirs. That's -- I</p> <p>19 think that's inappropriate. I didn't offer to -- it</p> <p>20 wasn't something I offered to share my food either. 12:52:06</p> <p>21 It was something he set up.</p> <p>22 Q. Okay. So was it an appetizer or was it</p> <p>23 your meal?</p> <p>24 A. Gosh, I don't remember. I'm vegetarian</p> <p>25 and a lot of times in restaurants unless it's, like, 12:52:21</p> <p style="text-align: right;">Page 118</p>	<p>1 Q. So -- and each of those times it's your 12:53:27</p> <p>2 recollection he actually touched your hand in a</p> <p>3 provocative way?</p> <p>4 A. Yeah. He was constantly also leaning over</p> <p>5 the table, like, just the -- unnecessarily closely 12:53:36</p> <p>6 as well.</p> <p>7 Q. How long relative to when he started at</p> <p>8 the company did this happen, this dinner?</p> <p>9 A. Oh, I recall it was like one of my first</p> <p>10 interactions with him. I remember having a 12:53:50</p> <p>11 one-on-one meeting with him in his office in San</p> <p>12 Ramon as the first interaction. And the dinner</p> <p>13 would have either been that same evening or that</p> <p>14 week is my recollection, very soon after he started.</p> <p>15 Q. Okay. So as you reach for a fry and he, 12:54:06</p> <p>16 like, touches your hand and doesn't touch the food,</p> <p>17 so he's not touching the food. He's just touching</p> <p>18 your hand?</p> <p>19 A. At that point, yeah. I can't remember if</p> <p>20 he actually ate fries or not but he may have. 12:54:21</p> <p>21 Q. And you're literally recoiling, like</p> <p>22 you're making it very clear that you don't --</p> <p>23 A. Yeah. Without -- like without also --</p> <p>24 first time I'm meeting a new peer of mine. I don't</p> <p>25 want to also be disruptive but I don't want that 12:54:34</p> <p style="text-align: right;">Page 120</p>
<p>1 an Indian restaurant or vegan one, there's a salad 12:52:26</p> <p>2 option but I don't really get full, so I often go</p> <p>3 for salad and fries. So it could have been both</p> <p>4 together. I don't know.</p> <p>5 Q. Could have been either. 12:52:37</p> <p>6 You're saying you're reaching for a fry</p> <p>7 and he reaches kind of into the fry dish not seeming</p> <p>8 to go for a fry but intending to touch your hand?</p> <p>9 A. Like each time. Maybe not every single</p> <p>10 time, but often enough that it's uncomfortable and 12:52:52</p> <p>11 unnatural.</p> <p>12 Q. Did he actually touch your hand?</p> <p>13 A. Correct.</p> <p>14 Q. Would he caress your hand?</p> <p>15 A. That's what I felt like and I'm pulling 12:53:01</p> <p>16 back. And eventually I stopped eating them</p> <p>17 because -- I'll eat when I got home. I want to get</p> <p>18 out of there.</p> <p>19 Q. So how many times did you reach for fries</p> <p>20 and he physically made contact with your hand, like 12:53:11</p> <p>21 would you estimate? Does that happen once during</p> <p>22 the meal or is that something that happened five</p> <p>23 times, 10 times?</p> <p>24 A. I would say like five times is a good</p> <p>25 guess. 12:53:27</p> <p style="text-align: right;">Page 119</p>	<p>1 behavior either. So I'm trying to get away from him 12:54:39</p> <p>2 rather than shouting or screaming or swearing, just</p> <p>3 getting myself out of it.</p> <p>4 Q. You're kind of jerking back in a way</p> <p>5 perceptible enough for you -- 12:54:52</p> <p>6 (Reporter seeks clarification.)</p> <p>7 Q. You're jerking your hand back like kind of</p> <p>8 suddenly enough that, in your view, he should have</p> <p>9 clearly been able to perceive that this was like</p> <p>10 unwelcome touching? 12:55:11</p> <p>11 A. Correct.</p> <p>12 Q. Okay. So we've covered the fries. So</p> <p>13 let's talk about him -- I think you were saying he's</p> <p>14 leaning over the table, separate from the fries, and</p> <p>15 he is trying to touch you, he is actually touching 12:55:25</p> <p>16 you?</p> <p>17 Can you explain?</p> <p>18 A. A mix of both. Like at times like trying</p> <p>19 to touch me and then I'm eventually kind of just</p> <p>20 sitting back. It was a stool so I can't lean back 12:55:36</p> <p>21 but sitting back far enough that he cannot lean over</p> <p>22 any further.</p> <p>23 Q. Can you just show me where your hands were</p> <p>24 relative to your body when he was leaning over</p> <p>25 trying to touch you separate from the fries 12:55:50</p> <p style="text-align: right;">Page 121</p>

<p>1 situation? 12:55:50</p> <p>2 A. Sometimes it would be like -- I tend to</p> <p>3 eat especially with my elbows on the table, so</p> <p>4 sometimes it would be like this. I don't recall</p> <p>5 exactly but there would be occasions when I'm like 12:56:04</p> <p>6 this, versus sitting back without leaning back</p> <p>7 because I didn't have a back to my stool.</p> <p>8 Q. So again, separate from the fries</p> <p>9 situation -- maybe I don't have to give that</p> <p>10 qualification every time. But separate from the 12:56:18</p> <p>11 fries situation, you have hands on the table and he</p> <p>12 leans over and just with no other purpose, just</p> <p>13 touches your hands.</p> <p>14 How many times would you estimate that</p> <p>15 that happened, that he like actually touched your 12:56:29</p> <p>16 hands in that way?</p> <p>17 A. Once and then in a second attempt but like</p> <p>18 I'm sort of moving back fast enough and then not</p> <p>19 putting my hands on the table again after that. And</p> <p>20 I remember stopping eating and I had some snacks in 12:56:41</p> <p>21 my car and then I ate when I got home.</p> <p>22 Q. So it was just like unmistakable to</p> <p>23 anybody this was an expression of romantic interest?</p> <p>24 That was your view?</p> <p>25 A. Correct. I have never had a colleague, 12:56:56</p> <p style="text-align: right;">Page 122</p>	<p>1 MS. BECK: I'm sure we do. 12:58:54</p> <p>2 THE WITNESS: Thanks.</p> <p>3 MR. LAVOIE: Why don't we take a quick break?</p> <p>4 I don't think this needs to be video taped.</p> <p>5 THE VIDEOGRAPHER: This marks the end of Media 12:59:09</p> <p>6 Unit 2. Going off the record. The time is</p> <p>7 12:59 p.m.</p> <p>8 (Off the record.)</p> <p>9 THE VIDEOGRAPHER: This marks the beginning of</p> <p>10 Media Unit 3. We are going back on the record. The 13:00:32</p> <p>11 time is 1:00 p.m.</p> <p>12 BY MR. LAVOIE:</p> <p>13 Q. So you've testified so far, and I'm</p> <p>14 summarizing this. If I'm not summarizing it</p> <p>15 correctly, I'm counting on you to correct me. 13:00:46</p> <p>16 A. Okay, thanks.</p> <p>17 Q. So at the dinner, we're trying to drill</p> <p>18 down on the different categories of allegations</p> <p>19 about touching or attempted touching. So far my</p> <p>20 understanding of your testimony is that there was 13:00:59</p> <p>21 one category that was that you were reaching for</p> <p>22 fries, he went in and touched your hand and you</p> <p>23 estimate -- and your best estimate is that that</p> <p>24 happened approximately five times.</p> <p>25 In addition to that, separate from the 13:01:13</p> <p style="text-align: right;">Page 124</p>
<p>1 male or female, do that before or after ever. 12:56:57</p> <p>2 Q. Was this a traumatic experience for you?</p> <p>3 A. It was, yes.</p> <p>4 Q. Did it just like shake you? I mean, like,</p> <p>5 could you describe that? It was very memorable, I 12:57:13</p> <p>6 imagine; right?</p> <p>7 A. Yeah. Gave me that tight feeling in your</p> <p>8 stomach that you get when you're feeling unsafe or</p> <p>9 anxious, suddenly -- maybe a women would resonate</p> <p>10 more with that feeling. But it's that tight feeling 12:57:29</p> <p>11 in your stomach and you feel unsafe, like you want</p> <p>12 to run but you're also stuck there -- excuse me.</p> <p>13 Like that fight or flight response but you just</p> <p>14 can't move.</p> <p>15 Q. If you need a break at any moment, at any 12:57:46</p> <p>16 point in the day, you are welcome to take a break.</p> <p>17 I don't want to make this difficult. Okay?</p> <p>18 A. Thank you.</p> <p>19 Q. Do you want to take a break?</p> <p>20 A. Just give me a second please. Thank you, 12:58:01</p> <p>21 though.</p> <p>22 Oh, yeah, so it was -- probably, trying to</p> <p>23 recover too quickly.</p> <p>24 Does anybody have a Kleenex, a Kleenex or</p> <p>25 something? 12:58:48</p> <p style="text-align: right;">Page 123</p>	<p>1 fries, a second category is you're sitting in a 13:01:15</p> <p>2 booth. You have your hands on the table and</p> <p>3 Mr. Giamatteo, your testimony is, reached -- like</p> <p>4 kind of leaned over the table and touched your hand.</p> <p>5 That happened once. And then when he attempted to 13:01:29</p> <p>6 do that a second time, you pulled your hands back.</p> <p>7 Is everything accurate so far?</p> <p>8 A. I think so, yes.</p> <p>9 Q. Okay. So let's limit it to when you were</p> <p>10 physically in the restaurant as opposed to when you 13:01:42</p> <p>11 were walking away.</p> <p>12 Any other types of touching or attempt at</p> <p>13 touching while you were in the restaurant?</p> <p>14 MS. BOURN: Compound.</p> <p>15 THE WITNESS: No, not that I can recall. 13:01:55</p> <p>16 BY MR. LAVOIE:</p> <p>17 Q. So you testified that as you left the</p> <p>18 restaurant, you literally walked out together and</p> <p>19 back towards BlackBerry's office?</p> <p>20 A. My car was in the car park just opposite 13:02:13</p> <p>21 the office and his hotel was, like, in the same</p> <p>22 direction. So, yeah, like the hotel is behind the</p> <p>23 office. And so we walked in the same direction,</p> <p>24 yeah.</p> <p>25 Q. And did he actually touch you or did he 13:02:28</p> <p style="text-align: right;">Page 125</p>

1 just attempt to touch you while you were walking 13:02:31	1 would move closer. And I didn't walk, obviously, 13:05:01
2 away from the dinner?	2 all the way to his hotel. It's just to the car park
3 MS. BOURN: Calls for speculation, compound.	3 that I walked.
4 THE WITNESS: When you're walking and like	4 What was your question?
5 someone is getting super close and they want -- here 13:02:42	5 Q. Did he actually touch your back or was it 13:05:10
6 and attempting to put their arm around you and I was	6 just that you anticipated that that's what he was
7 moving away.	7 trying to do and you prevented him from doing that?
8 BY MR. LAVOIE:	8 A. Yeah. I saw -- he came close enough and I
9 Q. Okay. You thought -- so your testimony is	9 saw his arm move and so I moved again so the attempt
10 he was attempting to put his arm around your 13:02:54	10 was there. 13:05:26
11 shoulder?	11 Q. So that was an attempt. He didn't -- he
12 A. Not shoulder, lower than that. I don't	12 didn't successfully touch you is your testimony. He
13 know if you want to call it waist, like this kind of	13 attempted to and you avoided?
14 side of things.	14 A. He did touch me in the sense of like the
15 Q. Was he drunk? 13:03:07	15 whole side of the body getting so close that we're 13:05:37
16 A. He had had wine. I didn't drink. I	16 touching.
17 didn't feel comfortable enough to drink. I get	17 Q. You're brushing up against each other?
18 like -- alcohol affects me quickly. And I wouldn't	18 A. Enough pressure as well, yeah. It's not a
19 say -- I mean, I don't know. I don't think he drank	19 brush. I would say like a pushing into me a little
20 excessively so I wouldn't assume drunk. 13:03:23	20 bit but I'm not falling over, but yeah. 13:05:50
21 Q. Do you have an estimate, just based on	21 Q. Was it your sense that Mr. Giamatteo was
22 your perception, of how many glasses of wine he had?	22 like hoping to go home with you that night or go
23 A. I would say no more than two maybe.	23 have -- like continue the evening? Was that your
24 Q. How long was the dinner approximately?	24 interpretation?
25 A. It was long. I remember like -- well, I 13:03:35	25 MS. BOURN: Calls for speculation. 13:06:05
Page 126	Page 128
1 remember wanting -- feeling like I was stuck and I 13:03:38	1 THE WITNESS: I don't know. I mean I saw his 13:06:06
2 wanted to get away. But I also knew that within	2 behavior as a come-on. Whether he wanted -- like
3 BlackBerry, as a woman, you're not saying please and	3 what he was thinking, going back to his hotel
4 thank you enough, like the blame always comes on the	4 together, I don't know. But I thought -- he even
5 woman. So like I didn't feel like I could leave. I 13:03:53	5 showed up to the dinner especially dressed up and 13:06:21
6 don't know how long. It felt long.	6 like -- so I definitely saw his behavior as a
7 Q. When you left, was it dark outside or was	7 come-on.
8 it still somewhat light?	8 BY MR. LAVOIE:
9 A. I don't remember.	9 Q. You say he was dressed up.
10 Q. Don't remember. 13:04:06	10 Was he wearing a tie? What was his 13:06:32
11 So as you were walking away, your	11 attire?
12 testimony is that he tried to put his arm around	12 A. Oh, God, I don't remember exactly. But I
13 like the middle of your back, around your waist?	13 remember like he had gone for dinner, I don't know
14 A. Yeah, it wasn't lower than that. It	14 if it was the same week or like he was there -- I
15 wasn't -- definitely wasn't trying to touch my -- I 13:04:24	15 remember it was the same week or week before or 13:06:45
16 didn't feel like he was trying to touch my bottom or	16 whatever, but close to that time for dinner with
17 my shoulders but somewhere in between.	17 John Chen. The office is in San Ramon near Bishop
18 Q. And so did he, in fact, touch your back or	18 Ranch. I don't know if you know that area, but just
19 not?	19 walking distance -- say this is the office, car park
20 A. From what I remember, I'm trying to walk 13:04:41	20 here, there's I think it's called Bishop Ranch. 13:07:04
21 and keep enough distance between me and him, just	21 Q. There's like a shopping center and
22 like I would with anybody really. Unless it's like	22 restaurants and things really close by.
23 a boyfriend or something. I'm not walking that	23 A. Yeah. And so generally after work, if
24 close to them or maybe my nephew holding his hand.	24 you're having dinner with a colleague or like
25 He was constantly -- when I would move away, he 13:04:58	25 whatever you try to do, the dinner is just walking 13:07:17
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1 distance. So I do remember him having dinner with 2 John Chen more than once. I don't know how many 3 times. 4 Q. You mean yourself and John Chen and/or 5 just John Chen? 13:07:32 6 A. When he joined, he was doing one-on-one 7 dinners with anyone -- at least in the San Ramon 8 office. And then there was like two or three -- I 9 remember like more than one and then like that -- 10 that he -- they would walk out together basically 13:07:46 11 when he would go to the dinner. And then with me, 12 when I would -- 13 (Reporter seeks clarification.) 14 A. With me, I went over to his office and 15 said, "Should we walk over to dinner together?" 13:08:01 16 Because that was the normal thing to do and I knew 17 he was doing that with others. And he said, "Oh, 18 no, no, I want to go back to my hotel and freshen up 19 first." But it's not something he did with others. 20 But I remember distinctly when I came into the 13:08:17 21 restaurant, he was just like -- all I could smell 22 was aftershave and his hair was gelled and slicked, 23 just looked different than how he did in the office. 24 Q. So you recall like a face-to-face 25 conversation with him before the dinner where you 13:08:37 Page 130	1 Just so we're both on the same page about what your 13:09:58 2 testimony is. 3 A. Yes. 4 Q. How long after this experience of the 5 touching behavior did you say something or tell 13:10:08 6 anyone about it, BlackBerry or not BlackBerry? 7 A. I definitely told John Chen right away 8 because like I was panicking, oh, my God, I don't 9 want to travel with him. I don't want to be in a 10 situation where -- I need the job but I'm not 13:10:31 11 married, financially dependent on myself. I had 12 invested a lot in my career as well. So I didn't 13 want to be forced into a situation where I feel 14 unsafe again, so I told him right away. 15 Q. And, like, in person the next day at work, 13:10:50 16 on the phone, some other way? 17 A. Definitely was in his office I told him. 18 It would have been -- I definitely remember talking 19 to him in his office. Like I didn't go back to the 20 office after work so it would have been the next 13:11:07 21 day. I often caught up with him in the morning in 22 his office just to kind of check in before starting 23 the day. But I don't recall if I called him on the 24 way home as well, but I definitely told him as I saw 25 him in his office the next day. 13:11:25 Page 132
1 went to his office to say, "You want to walk over 13:08:39 2 together?" And he says, "I'm going to go freshen 3 know up?" 4 A. Yes, exactly. So I went back to my office 5 and just did paperwork, because there's always like 13:08:49 6 so much work to do. 7 Q. So I just want to make sure that we kind 8 of nail down everything related to the touching. So 9 we -- I think we nailed down the two things that 10 were in the restaurant itself and I think you've 13:09:03 11 described your allegations related to the touching 12 as you left the dinner outside. 13 Was there any other touching or attempted 14 touching by Mr. Giamatteo at any point in your 15 relationship that night or any other time? 13:09:21 16 A. No. From my perspective -- you may not 17 want me to answer it or not but, like, I wouldn't 18 put myself in an unsafe situation again. Once I 19 know something is unsafe, I'm going to try and stay 20 away from it. 13:09:45 21 Q. So it's those three kind of categories of 22 touching or attempting touching that we've discussed 23 and nothing more than that; correct? 24 A. Yeah. For me that was a lot, but yeah. 25 Q. I don't mean to make a judgment about it. 13:09:56 Page 131	1 Q. When you described it to him, how much 13:11:29 2 detail did you share with him about the touching or 3 the attempted touching? 4 A. Not all the specifics but, again, these 5 aren't things I'm super comfortable talking about. 13:11:40 6 Again, he doesn't have the appetite for it. He's 7 just work, work. And so I described it in a little 8 bit of detail and mostly talked about his behavior 9 was like overly -- it was unprofessional, making me 10 uncomfortable, and he was like leaning over the 13:12:01 11 table. I would have described it at that level, 12 not, "Here's how he touched my hand." 13 Q. But you definitely told him not just that 14 he had tried to touch you but that he had, in fact, 15 touched you? You told John Chen that? 13:12:16 16 A. I don't know if I used the word "touch." 17 I'm thinking of how I know myself. I'm not the most 18 comfortable talking about these things. And he's 19 pretty clear he's not comfortable -- he's not open 20 to these conversations. But I definitely told him 13:12:30 21 he was getting too close and it was making me 22 uncomfortable. And I don't feel comfortable or safe 23 at all being in a one-on-one meeting with him or at 24 least at the time and all like traveling with him. 25 Like I need to feel -- I need to know that I'm not 13:12:46 Page 133

1 going to be put in that situation. 13:12:49	1 that something that originated at that dinner? 13:15:51
2 Q. Did you get emotional at all whenever you	2 A. It was the first one-on-one meeting I had
3 told John Chen about this?	3 with him before the dinner, so it was in his office
4 A. I didn't cry, no.	4 in San Ramon.
5 Q. Were you emotional at all short of crying? 13:12:58	5 Q. So it was sometime between when he started 13:16:01
6 A. That company, it was just -- there was so	6 in, let's say, early October and the dinner,
7 many bad experiences. You have to stay strong,	7 whenever the dinner was?
8 particularly as a woman. If you break down, they	8 A. So he started -- I remember having the
9 use that against you. She's not capable to be an	9 one-on-one -- when he started -- remember -- okay.
10 executive, because he's crying, or whatever else, 13:13:15	10 I'll take a step back. 13:16:16
11 things like that. So I was not -- like I didn't	11 I remember John Chen saying that one of
12 feel like I had the ability to be like that, no.	12 the issues he had with the prior president of that
13 Q. Did you ever, after that dinner that we've	13 BU was that the guy joined during COVID so they
14 been describing, or that you've been testifying	14 didn't get a lot of face time together. So he was
15 about, I should say, did you ever have another 13:13:31	15 really -- wanted to make sure that Giamatteo was 13:16:34
16 one-on-one meal with John Giamatteo?	16 coming into the San Ramon office regularly. I think
17 A. No.	17 they agreed that it would be every other week or
18 Q. I would like you to just try to remember	18 something. He thought that was a big part of why
19 for me every person that you told about this within	19 the prior president and Chen -- things didn't go
20 a week or two of it happening, the dinner and the 13:13:50	20 well between them I guess. 13:16:52
21 touching.	21 So I remember Giamatteo coming into the
22 Like other than John Chen, who else did	22 office -- he was there I think the first week when
23 you tell?	23 he was announced, or at least the second week, so
24 A. I don't know sequence but I know I've told	24 early on. And that was my first one-on-one with
25 Steve Capelli, Steve Rai. Again, I don't know the 13:14:06	25 him. And the dinner, it was either that evening or 13:17:04
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1 timing. My sister, my friend. 13:14:11	1 the next day or something but it was in the same 13:17:08
2 Q. Which friend?	2 time frame.
3 A. My friend Sunny.	3 Q. The same trip that he took out to San
4 Who else have I talked to about it? These	4 Ramon? Like he would come out to San Ramon
5 are the names that spring to mind. 13:14:33	5 occasionally. It's your recollection it was like 13:17:17
6 Q. And all of those, your best estimate is	6 the first time he came to San Ramon?
7 that you spoke to those people relatively soon after	7 A. If I remember it correctly, it was like
8 it happened?	8 super early.
9 A. Yeah.	9 Q. And you met him in the office and then you
10 Q. Like within how much time would you say? 13:14:43	10 had the dinner with him during his same visit to San 13:17:28
11 A. So my boss, John Chen at the time, as I	11 Ramon?
12 said, within 24 hours; sister, her and I talk like	12 A. It was the same one or the following week.
13 nearly daily so similar; friend Sunny, he and I	13 Super close. It could have been the same day, to be
14 don't talk every day. He's in the UK. Like a week	14 honest with you. I don't remember.
15 or two something like that. Capelli, within one or 13:15:08	15 Q. And tell me -- we'll put a pin in that. 13:17:39
16 two -- one week probably. I don't remember exactly,	16 We'll come back to that meeting.
17 but he's like -- he's someone who was like -- I felt	17 Your friend Sunny, you've produced a
18 like he was really a fair person and like treated	18 number of text messages with him in this case.
19 everybody fairly, so I felt safe with him. Didn't	19 How did you tell him about this experience
20 think he was biased or part of the boys' club. 13:15:36	20 with the touching? Was it by text, by phone? 13:17:56
21 And then Steve Rai I think was a bit later	21 A. We basically talk on the phone. I'm not
22 because I was bringing it up when I was more	22 big on like texting. I have to do so much e-mail in
23 frustrated about the additional behaviors that kept	23 a day, I don't want to do more stuff that feels like
24 continuing.	24 work I guess. And I usually often catch up with him
25 Q. And this concept of traveling together, is 13:15:48	25 like late his time, morning when his commute, 13:18:18
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1 Because that's normally how long meetings are 13:22:50	1 initiate a conversation around like what your role 13:25:27
2 scheduled for, so I don't know.	2 was and what you were doing. And almost immediately
3 Q. Describe to me -- you said that the travel	3 he pivots to, "You can report to me and we can
4 together concept arose during this very first	4 travel together."
5 one-on-one meeting that you had with him. 13:23:00	5 Am I summing up your recollection 13:25:36
6 Can you describe everything you remember	6 correctly?
7 about how that came up?	7 A. Correct, yeah.
8 A. I remember walking into his office and he	8 Q. So when he said, "You can report to me,"
9 was at his -- like in his office there's like a desk	9 you're sure he said that like, "You can report to
10 with the screen and all those kind of things and a 13:23:16	10 me"? 13:25:49
11 table and chairs for like small meetings, maybe like	11 A. Yeah.
12 two to four chairs in there, small. And sat down he	12 Q. And then, "We can travel together." Like
13 came over and sat down and said, "Are you Indian?"	13 did you in the moment, did you interpret that to
14 I don't know if he said, Oh, or those	14 mean we'll, like, go to like an exotic island or
15 words but he asked me if I'm Indian. And I said 13:23:35	15 some romantic location together? Is that what you 13:26:03
16 yes. I was like at least say hello or something	16 interpreted it to mean?
17 first or nice to meet me. It was literally the	17 A. I didn't really have thoughts about what
18 first thing. I remember it clearly. I thought it	18 location he was thinking about, an island versus
19 was strange, that's the first thing that somebody	19 like a city. I don't know. Certainly didn't have
20 would say to me. 13:23:48	20 those thoughts. But I did think -- I'm trying to 13:26:18
21 And then like he didn't ask me anything	21 talk about work and he is not entertaining that
22 about my career or my interests, like there was no	22 conversation and behaving in a way that's kind of
23 real conversation, but I remember him pretty	23 the weird vibes that you get from a person sometimes
24 straight going into -- like I asked him, "Can I take	24 and just keeps taking the conversation to things
25 you through like what we've been doing on the elite 13:24:11	25 that are just not relevant. If I'm Indian or not, 13:26:39
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1 customer side? It would be great to have a strong 13:24:15	1 what does that matter? Why would I want -- I told 13:26:43
2 partnership," like just trying to be professional	2 him like I'm working for the CEO. What would be a
3 and transparent and open. I think collaboration in	3 compelling reason for me to -- what I would see as
4 general is like the best way to do one's job and	4 taking a step down, like what's the reason for it?
5 makes work a little bit more enjoyable too. 13:24:28	5 And he's like, "Oh, so we can travel 13:26:57
6 Didn't entertain that conversation and	6 together." That's not a reason. Like is there a
7 just said, like, you could report to me and we could	7 job scope, maybe I could get a new experience in
8 travel together. I don't remember the exact words	8 something I haven't done before. There's nothing;
9 but it was literally as blunt and as basic as that.	9 just so we can travel together.
10 Go ahead. 13:24:46	10 Q. So he didn't elaborate in any way at all 13:27:09
11 Q. Within like how many minutes of this	11 about what the benefits of traveling together would
12 30-minute or hour-long conversation did he first	12 be?
13 say, "You can report to me and we can travel	13 A. No. And I remember I had prepared slides
14 together"?	14 because I was like, oh, I want to start off on it
15 A. I remember it being in the top of the 13:24:56	15 being super open, because transparency creates 13:27:25
16 conversation so in my mind, from what I remember, it	16 trust, so I prepared slides, like here's the
17 was like the first five minutes maybe.	17 customers I'm responsible for, love to share
18 Q. And was it your impression -- did he say	18 learning from them, especially from the big
19 anything to give you an indication he knew anything	19 customers you learn a lot from them what tech buyers
20 about you or what your role at the company was or 13:25:12	20 generally are thinking, because small companies tend 13:27:41
21 anything? Did he evidence that in any way when you	21 to follow the big ones. And like he wasn't
22 started talking to him?	22 interested. I remember I was thinking God I spent
23 A. No.	23 time putting the slides together and he didn't even
24 Q. So this is almost like a stranger. He	24 look at them.
25 knows that you work at BlackBerry and you tried to 13:25:20	25 Q. It was like unmistakable to you in the 13:27:56
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1 moment, "We could travel together" -- let me just 13:27:59	1 Q. I'm trying to get your testimony, so tell 13:30:43
2 ask directly.	2 me if that's not accurate.
3 Did you think it was possible even at the	3 A. I thought it was a highly unusual
4 time that he was saying, well, we can travel and go	4 conversation and I kind of walked away from it and I
5 meet with clients together? 13:28:12	5 was uncomfortable. You and I are talking now, I 13:30:56
6 A. No, because like I had spoken with others,	6 don't feel like you are -- you're not making those
7 like Tim Foote for example, Tim Foote and I used to	7 facial expressions or your tone of voice is that
8 work closely together. Before Giamatteo joined the	8 certain way. So he had that and then when you
9 company, we did get on well with each other in the	9 combine it then with the dinner behavior, which
10 work environment, at least from my side, 13:28:29	10 could have been the same day, for me it's just -- 13:31:15
11 perspective. Like I heard from others about their	11 even at dinner I was trying to talk about work, like
12 one-on-ones with Giamatteo and they would be talking	12 I really wanted to show that I am open and like want
13 about what the job is and what had they heard from	13 to work together and like -- you know, I wanted to
14 investors, like showed specifics so he could be	14 just start off on the right foot.
15 brought up to speed on the business. I didn't get 13:28:46	15 You can know anything about what we're 13:31:36
16 any of that from him in my meeting.	16 working on if it can help with your customers, too.
17 Q. Yeah, although I guess -- are you	17 I wanted to give that impression but he wasn't even
18 saying -- I guess I'm just saying, what informed	18 engaging in the conversation. I don't think he even
19 your perception in the moment that he's saying it,	19 left the conversation knowing how many customers I
20 that when he says, "We can go travel together," that 13:28:59	20 was responsible for. Nothing. I just remember it 13:31:50
21 there's no way he means, "We can go meet with	21 being super strange. What just happened? I just
22 clients together," what he means is we'll go and	22 didn't get it.
23 spend time romantically together, like what was it	23 Q. So you thought at the time unmistakably,
24 that made you perceive it that way at the time?	24 like as you're walking out of the room, when he said
25 A. So I was trying to take the conversation 13:29:18	25 travel together, he meant romantic travel, not 13:32:02
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1 to work topics. He just was not engaging at all. 13:29:21	1 business travel. That was your unmistakable 13:32:05
2 It was just radio silence. And then when I said, I	2 understanding at the time?
3 would see reporting to you, not you as an individual	3 A. That was my thought at the time and then
4 in your role, like a step back for me because I	4 at the dinner made it unmistakable.
5 report to the CEO now. That feels good for me, how 13:29:37	5 Q. An issue with leaving that room, were you 13:32:17
6 old am I, I'm in my 30s, reporting to a CEO, it's an	6 thinking to yourself like this person is a creep?
7 achievement for me at least anyway.	7 Like at the meeting, were you already thinking that
8 Like I said, what's the compelling reason	8 at the time?
9 for me to report to you? Do you want to know about	9 A. I thought he gave creepy vibes, yeah.
10 my career history, like a little bit about what I'm 13:29:56	10 Q. And how many times during that initial 13:32:29
11 interested in, what I've done before or not, what	11 conversation in the office did he mention the
12 are the gaps on your team? Didn't give me anything.	12 concept of traveling together? Was it once, three
13 There was absolutely nothing.	13 times, five times?
14 Q. So I'm just trying to get at the full	14 A. More than once. I guess you could say two
15 basis for your perception in the moment that when he 13:30:11	15 or three maybe. Not more than that maybe probably. 13:32:46
16 said travel together, he didn't mean for business;	16 I kept pulling it back to trying to talk about work,
17 he meant for romantic purposes. And so I think what	17 talking about work and giving me like just some
18 I'm hearing is that what informed that impression at	18 context about why he's saying these things and
19 the time was during that conversation you tried to	19 having just met each other. We're both on the
20 talk about business, he wouldn't engage on that and 13:30:28	20 leadership team; we both have responsibility for 13:33:09
21 that's what made you think that the travel together	21 customers. It should be such an interesting
22 comment was not about business travel, it was about	22 conversation about work and it just wasn't going
23 romantic travel.	23 there.
24 Am I summarizing that fairly?	24 Q. Did he mention the concept of traveling
25 A. There was a -- go ahead. 13:30:41	25 together also when you went to dinner, whenever that 13:33:21
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<p>1 A. Yes. 15:46:41</p> <p>2 Q. And that's where you refer to</p> <p>3 Mr. Giamatteo as a piece of shit; right?</p> <p>4 A. Yes.</p> <p>5 Q. So does that refresh your recollection 15:46:46</p> <p>6 that you have referred to Mr. Giamatteo as a piece</p> <p>7 of shit?</p> <p>8 A. I didn't say I hadn't but previously I</p> <p>9 believe I expressed that based on the context.</p> <p>10 Having a human expression with a close friend is not 15:46:57</p> <p>11 a problem and I may have said that, yes.</p> <p>12 Q. Again, in this text on January 20th, 2022,</p> <p>13 you don't mention anything about the traveling</p> <p>14 together concept; correct?</p> <p>15 A. Not something that you bring up every day. 15:47:14</p> <p>16 Q. Did you mention it in this text exchange</p> <p>17 on January 20th or did you not?</p> <p>18 MS. BOURN: The document speaks for itself.</p> <p>19 BY MR. LAVOIE:</p> <p>20 Q. Did you mention it or did you not during 15:47:23</p> <p>21 this text?</p> <p>22 MS. BOURN: Argumentative.</p> <p>23 THE WITNESS: I've mentioned it plenty of times</p> <p>24 so this one text is not kind of encompassing of</p> <p>25 everything. 15:47:33</p> <p style="text-align: right;">Page 210</p>	<p>1 dinner, anything about touching, anything about a 15:48:16</p> <p>2 sexual advance. You didn't mention anything like</p> <p>3 this with your friend on January 20th, did you?</p> <p>4 MS. BOURN: Asked and answered four times.</p> <p>5 THE WITNESS: I've only provided new 15:48:24</p> <p>6 information in this text.</p> <p>7 BY MR. LAVOIE:</p> <p>8 Q. You're very careful to just keep it to the</p> <p>9 new information without any overlap in past events?</p> <p>10 MS. BOURN: There's no question pending. 15:48:35</p> <p>11 BY MR. LAVOIE:</p> <p>12 Q. That's my question. That's a</p> <p>13 clarification.</p> <p>14 MS. BOURN: That's not a question. It's a</p> <p>15 statement by you. Make a question. 15:48:38</p> <p>16 BY MR. LAVOIE:</p> <p>17 Q. When you were communicating with your</p> <p>18 friend Sunny, you were careful to just always make</p> <p>19 sure that your spontaneous communications with her</p> <p>20 via text only captured new information and didn't 15:48:49</p> <p>21 refer back to any information you had previously</p> <p>22 shared; correct?</p> <p>23 That's what you're saying?</p> <p>24 MS. BOURN: Argumentative.</p> <p>25 I'm going to instruct you not to answer. 15:48:56</p> <p style="text-align: right;">Page 212</p>
<p>1 BY MR. LAVOIE: 15:47:33</p> <p>2 Q. You didn't mention it in this text, the</p> <p>3 concept of traveling together; correct?</p> <p>4 MS. BOURN: The document speaks for itself.</p> <p>5 THE WITNESS: My friend, who I speak with 15:47:39</p> <p>6 regularly, already knew all of the context between</p> <p>7 Giamatteo and I, so it's not something I need to</p> <p>8 repeat. I'm just giving him the new information,</p> <p>9 not the old information.</p> <p>10 BY MR. LAVOIE: 15:47:52</p> <p>11 Q. And you didn't mention traveling together</p> <p>12 in the next.</p> <p>13 MR. LAVOIE: I'm going to move to strike the</p> <p>14 last answer as nonresponsive.</p> <p>15 BY MR. LAVOIE: 15:47:55</p> <p>16 Q. You didn't mention it in this set of texts</p> <p>17 on January 20th, did you?</p> <p>18 MS. BOURN: Asked and answered. The document</p> <p>19 speaks for itself.</p> <p>20 THE WITNESS: I only provided new information. 15:48:02</p> <p>21 BY MR. LAVOIE:</p> <p>22 Q. And you didn't mention anything about</p> <p>23 dinner or touching or anything like that in this</p> <p>24 text exchange with your friend Sunny on</p> <p>25 January 20th, 2022. You didn't mention either the 15:48:12</p> <p style="text-align: right;">Page 211</p>	<p>1 You've asked the question four times. The 15:48:58</p> <p>2 document speaks for itself. I'm going to instruct</p> <p>3 her not to answer.</p> <p>4 BY MR. LAVOIE:</p> <p>5 Q. Are you going to follow that instruction? 15:49:02</p> <p>6 MS. BOURN: Yes, you are going to follow my</p> <p>7 instruction.</p> <p>8 MR. LAVOIE: And you're instructing the witness</p> <p>9 not to answer because you think it's been asked and</p> <p>10 answered? 15:49:13</p> <p>11 MS. BOURN: Because you're harassing her.</p> <p>12 You're yelling. You're shaking the paper. The</p> <p>13 document speaks for itself. You've asked her six</p> <p>14 times now and this is just harassment at this point.</p> <p>15 That's enough. Move on. Ask a question that means 15:49:22</p> <p>16 something legally.</p> <p>17 MR. LAVOIE: The record speaks for itself,</p> <p>18 Maria. I'm not harassing your witness.</p> <p>19 MS. BOURN: Yes, you are. You are very</p> <p>20 aggressive with her and it's totally unnecessary and 15:49:34</p> <p>21 inappropriate and a judge will not allow this in</p> <p>22 court. You're now laughing so the record will</p> <p>23 reflect that you're laughing and smiling.</p> <p>24 MR. LAVOIE: I think you're being</p> <p>25 inappropriate. 15:49:45</p> <p style="text-align: right;">Page 213</p>

1 MS. BOURN: You've been in a deposition 15:49:45	1 reference October. 15:52:30
2 harassing a sexual harassment victim and yelling	2 Is that October 2021?
3 about her regarding a text message that says what it	3 A. Yes.
4 says. Like that's just inappropriate. Like come	4 Q. And had you attended any of these meetings
5 on. 15:49:57	5 at all during this period from October 2021 to 15:52:37
6 MR. LAVOIE: Maria, I'm not going to engage	6 March 20th, 2022?
7 further.	7 A. Not that I recall.
8 MS. BOURN: Get to facts in the case that	8 Q. These are John Giamatteo's weekly
9 matter.	9 cybersecurity business unit meetings; correct?
10 MR. LAVOIE: I'm not going to engage further 15:50:02	10 A. I believe so. 15:52:50
11 with this on the record. This is just my	11 Q. And you're telling your friend that the
12 examination.	12 reason that you haven't been attending his meetings
13 MS. BOURN: Right. Be appropriate and don't be	13 from October 2021 through March of 2022 is because
14 abusive. This woman has been abused for years by	14 you hadn't gotten the invitations; correct?
15 this company that you represent and now you're 15:50:11	15 A. That's what I'm relaying, yes. 15:53:06
16 smiling, too. Do you think it's funny? Do you	16 Q. And that was true at the time that you
17 think sexual harassment is funny?	17 said it to your friend; correct?
18 MR. LAVOIE: Maria, this is beyond the pale.	18 A. Yeah. It was true at some point. I
19 This is beyond the pale, beyond the pale.	19 definitely had a conversation with John Giamatteo
20 MS. BOURN: Absolutely. I'm not going to allow 15:50:21	20 about it. 15:53:20
21 you to sit here and harass her after years of B.S.	21 MR. LAVOIE: Okay. Let's look at Tab 23.
22 that she went through. That's not happening, not	22 (Deposition Exhibit 21 was marked.)
23 with me sitting here. Ask a question that means	23 MS. BOURN: Defendant's 21, Bates labeled 19951
24 something and move on.	24 through 19963.
25 MR. LAVOIE: Maria, your behavior is completely 15:50:38	25 BY MR. LAVOIE: 15:54:00
Page 214	Page 216
1 inappropriate. 15:50:35	1 Q. So this is an e-mail exchange and I'll 15:54:01
2 MS. BOURN: Yours is. It's not funny. It is	2 just direct your attention to the top of the first
3 not funny. There is nothing funny about this.	3 page of Exhibit 21. And you write to Mr. Giamatteo
4 MR. LAVOIE: Okay.	4 on November 18th, 2021, in the middle of that first
5 Okay, let's look at 25H. 15:51:04	5 page saying you'll "look out for the invite of your 15:54:14
6 (Deposition Exhibit 20 was marked.)	6 meeting and join whenever I can."
7 MS. BOURN: Defendant's 20 is 1535.	7 Do you see that?
8 BY MR. LAVOIE:	8 A. Yes.
9 Q. So Exhibit 20 is another text exchange you	9 Q. And then the next message is also from you
10 had with your friend Sunny. And if you look in the 15:51:50	10 on January 20th, 2022. This is a little bit later 15:54:30
11 middle of the first page, on March 20th, 2022, you	11 in the day that you met with Mr. Giamatteo on
12 write, "Choppers being an ahole, so I guess same	12 January 20th, 2022.
13 old." "For example, he told Jay" -- that's John	13 Do you see that?
14 Chen; right?	14 A. Yes. This is after he had complained to
15 A. Yes. 15:52:06	15 me that I had not been joining his meetings. And I 15:54:42
16 Q. -- "I haven't been attending his team	16 had heard from John Chen that I was not
17 weekly meetings. Well, he never sent me the invite	17 collaborative. And I said to him that -- I said to
18 and I asked a few times for it. He kept saying	18 Giamatteo that I had not received the invite. I've
19 he'll send it (since October) but didn't."	19 asked for it a few times. And that was another
20 Do you see that? 15:52:16	20 example where he was wide-eyed, because he wasn't 15:55:01
21 A. Yes.	21 expecting me to be -- my assumption is he wasn't
22 Q. Is this what you're referring to in your	22 expecting me to be so forthright and he got called
23 complaint about being excluded from meetings?	23 out.
24 A. It's one example.	24 Q. And when you told him that, he said that
25 Q. And this is on March 20th, 2022, and you 15:52:26	25 it wasn't intentionally that you hadn't gotten the 15:55:17
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<p>1 meeting invitations; correct? 15:55:20</p> <p>2 A. No, he didn't say that.</p> <p>3 Q. He didn't say that? Oh, what did he say?</p> <p>4 A. A bit of silence really because I said to</p> <p>5 him, you know, I've got a couple of e-mails where 15:55:30</p> <p>6 I've pinned you for the invite. And Maria, my BA at</p> <p>7 the time, had been -- or Maria, my AI at the time,</p> <p>8 had been asking his AI for the invite, too. So I</p> <p>9 guess he wasn't expecting those facts.</p> <p>10 Q. And he then writes, about four minutes 15:55:52</p> <p>11 later, to -- Mr. Giamatteo writes to his secretary</p> <p>12 saying, "Apparently, Neelam is not on the invitation</p> <p>13 list. Can you please loop her in starting next</p> <p>14 week?"</p> <p>15 Do you see that? 15:56:07</p> <p>16 A. I see that.</p> <p>17 Q. And you received these invitations just</p> <p>18 not longer after this e-mail; correct?</p> <p>19 A. I don't recall, to be honest.</p> <p>20 Potentially, yeah. 15:56:18</p> <p>21 MR. LAVOIE: Okay. Let's look at Tab 24.</p> <p>22 (Deposition Exhibit 22 was marked.)</p> <p>23 MS. BOURN: Defendant's Exhibit 22 Bates</p> <p>24 labeled 7161 through 7162.</p> <p>25 MR. LAVOIE: Exhibit 22? Is that right? 15:56:51</p> <p style="text-align: right;">Page 218</p>	<p>1 that sort of adds up -- the sequence adds up in that 15:58:11</p> <p>2 sense.</p> <p>3 Q. How many times between when you received</p> <p>4 these invitations on January 20th, 2022, and when</p> <p>5 you texted your friend Sunny in March 2022, how many 15:58:20</p> <p>6 times did you amend the weekly meeting?</p> <p>7 A. I don't recall. I know I had a</p> <p>8 conversation with John Chen that I had attended one,</p> <p>9 maybe two of the meetings, and then also had</p> <p>10 conversation and the e-mail exchange with Giamatteo 15:58:38</p> <p>11 about his QBRs and he was not treating me on the</p> <p>12 calls like a peer. He was having me provide updates</p> <p>13 and asking me questions as tough I reported with him</p> <p>14 and I was not comfortable with that.</p> <p>15 Q. So you didn't join the calls very often; 15:58:53</p> <p>16 correct?</p> <p>17 A. I had a conversation with John Chen.</p> <p>18 (Reporter seeks clarification.)</p> <p>19 A. It wasn't an absence because I wasn't on</p> <p>20 John Giamatteo's team, so I'm not required on those 15:59:08</p> <p>21 calls. So it wasn't an absence, no. It was</p> <p>22 optional for me to attend from like John Chen and my</p> <p>23 perspective as well as would be the case occur in</p> <p>24 any normal environment. I didn't report to John</p> <p>25 Giamatteo. This was a call for his direct reports. 15:59:27</p> <p style="text-align: right;">Page 220</p>
<p>1 MS. BOURN: 24. 22. 15:56:52</p> <p>2 MR. LAVOIE: 22, that's what I thought.</p> <p>3 BY MR. LAVOIE:</p> <p>4 Q. And so that same night, on January 20th,</p> <p>5 2022, Mr. Giamatteo's assistant sends you the 15:57:02</p> <p>6 meeting invites, the recurring meeting invites for</p> <p>7 the weekly team meeting.</p> <p>8 Do you see that?</p> <p>9 A. Looks like it for -- yes. Looks like it.</p> <p>10 Q. And you respond, "Received thanks"? 15:57:15</p> <p>11 A. Correct. Three or four months after,</p> <p>12 yeah.</p> <p>13 Q. Yet in your text with your friend, you</p> <p>14 said that the reason that you hadn't been joining</p> <p>15 the meetings all the way up through March of 2022 15:57:30</p> <p>16 was because you hadn't received the invitation.</p> <p>17 That wasn't true, was it?</p> <p>18 A. It was true at the time. The conversation</p> <p>19 that Giamatteo had with John Chen and with me was</p> <p>20 back in -- your meeting invite shows it somewhere -- 15:57:45</p> <p>21 was prior to that and then I received the invite.</p> <p>22 There's also an e-mail here showing that I had a</p> <p>23 conversation with Giamatteo in January, mentioned to</p> <p>24 him that I had heard he had been saying these things</p> <p>25 about me. And I'll be sending him the proof and so 15:58:06</p> <p style="text-align: right;">Page 219</p>	<p>1 Q. So you hardly joined the team meetings, 15:59:29</p> <p>2 either before or after you received the invitation;</p> <p>3 correct?</p> <p>4 A. When I did join, after receiving the</p> <p>5 invite, he was treating me like I reported to him. 15:59:38</p> <p>6 So we were running into the same issue that I was</p> <p>7 having problems with before.</p> <p>8 Q. So let's look at tab --</p> <p>9 MS. BOURN: We've been going since 2:30 and</p> <p>10 it's 4:00. 16:00:05</p> <p>11 MR. LAVOIE: That's fine. You can take a break</p> <p>12 if you want.</p> <p>13 THE VIDEOGRAPHER: This marks the end of Media</p> <p>14 Unit 4. We are going off the record. The time is</p> <p>15 4:00 p.m. 16:00:14</p> <p>16 (Recess taken.)</p> <p>17 THE VIDEOGRAPHER: This marks the beginning of</p> <p>18 Media Unit 5. We are going back on the record. The</p> <p>19 time is 4:18 p.m.</p> <p>20 BY MR. LAVOIE: 16:18:32</p> <p>21 Q. To your understanding, no one replaced you</p> <p>22 as chief marketing officer at BlackBerry after you</p> <p>23 were terminated; correct?</p> <p>24 A. I mean I have not kept in touch with like</p> <p>25 strategy and things like that so I don't know. 16:18:49</p> <p style="text-align: right;">Page 221</p>

1 Q. You don't know one way or another? 16:18:51	1 Q. How did you document that you raised it 16:21:10
2 A. I don't know.	2 with him?
3 Q. And to your understanding, no one replaced	3 A. I had conversations with the CEO. That's
4 you as chief elite customer success officer at	4 the . . .
5 BlackBerry; correct? 16:19:03	5 Q. Well, I'm asking a different question. 16:21:17
6 MS. BOURN: Calls for speculation.	6 Did you document in any way? Can you
7 THE WITNESS: I don't know.	7 point me to a document or a communication where you
8 BY MR. LAVOIE:	8 raised this alleged sexual advance with John Chen?
9 Q. You don't know? Okay.	9 A. Where I raised it with him? I don't
10 You don't have any evidence that today 16:19:09	10 recall. I mean I've given my lawyers a bunch of 16:21:31
11 there's someone with a title of chief marketing	11 documents, but I definitely know I've spoken to John
12 officer or chief elite customer success officer at	12 Chen about it a numbers of times. Once you tell the
13 BlackBerry? You're not aware of that?	13 CEO something, he has a responsibility or she -- in
14 MS. BOURN: Calls for a legal conclusion, calls	14 this case it was a he -- has a responsibility to do
15 for speculation. 16:19:23	15 something about it. 16:21:49
16 THE WITNESS: I have no idea.	16 Q. So my question is just very simple, are
17 BY MR. LAVOIE:	17 you aware of any e-mail or other document in writing
18 Q. When you were testifying before about	18 in which you communicated with John Chen anything
19 disclosing or -- the day after the dinner talking to	19 about this travel together, sexual advance,
20 John Chen about it, do you remember that testimony? 16:19:36	20 touching? Are you aware of any document in which 16:22:04
21 A. Yes.	21 you put that before John Chen or are you not?
22 Q. And you testified that John Chen generally	22 A. I don't recall. I've given all the
23 didn't really want to have conversations about these	23 documents I have to Maria and the team. So that
24 types of things. Is that like personnel -- you	24 would be a question for them. But in terms of my
25 know, messy personnel situations? Is that what 16:19:49	25 communication with John Chen, a lot of it was verbal 16:22:21
Page 222	Page 224
1 you're referring to, that he didn't want to have 16:19:53	1 in general, not just on this topic. That was just 16:22:24
2 discussions about?	2 the nature of the beast I guess.
3 A. Anything personnel wise, always just more	3 Q. You made various -- how many times across
4 focused on the work itself.	4 your career at BlackBerry would you estimate that
5 Q. Did you ever talk to John Chen about the 16:20:07	5 you submitted some form of complaint to the HR 16:22:40
6 topic again? Did you ever bring it up again, the	6 department?
7 dinner, the travel together comment, anything like	7 A. The first few years of my career I would
8 that?	8 say really none, from what I recall, but obviously
9 A. Yes. When the retaliation started and	9 that was a long time ago. After I moved to
10 continued, so I brought up with him again that I 16:20:20	10 California and began reporting directly to John 16:22:59
11 felt that that was -- I was being treated this way	11 Chen, and that's when I started facing some gender
12 and I felt that it was because I had turned down	12 discrimination and other sexual harassment type of
13 John Giamatteo's sexual advances.	13 experiences.
14 Q. And you did that just orally with John	14 So it was really after that that I
15 Chen, like in the subsequent time that you brought 16:20:35	15 submitted complaints sometimes to John Chen. I 16:23:14
16 it up with him?	16 can't remember if I did to HR. If I did, it would
17 A. I don't remember exactly but that would be	17 be maybe once or twice. I don't recall exactly, but
18 my best guess, yes.	18 that should be in my personnel file if you've got a
19 Q. And how many times did you bring it up	19 copy of that.
20 with John Chen, the situation regarding the sexual 16:20:47	20 Q. So John Chen testified that when you -- 16:23:33
21 advance let's say?	21 the one time that you brought this situation about
22 A. Quite a few times, especially as the	22 the sexual advance up to him, he told you to go and
23 conversations about reducing my role came up. That	23 tell HR about it.
24 for me was extreme retaliation and so I brought it	24 Did you do that?
25 up again at those times. 16:21:07	25 A. I spoke with him more than once. He did 16:23:45
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<p>1 suggest to me I could go to HR. My feedback to him 16:23:49</p> <p>2 was twofold or threefold. One is, "I said I told</p> <p>3 you and I expect you to handle it," because the</p> <p>4 prior time I had gone to HR about something that was</p> <p>5 a sexual harassment was my experience with [REDACTED]. 16:24:06</p> <p>6 And the feedback I get back from that from HR was</p> <p>7 [REDACTED], whilst he is in the security team, he's</p> <p>8 not there to protect me -- he's not there to make me</p> <p>9 feel safe was the feedback I got from HR. And so --</p> <p>10 I just would like to answer. 16:24:28</p> <p>11 He's not there to make we feel safe and I</p> <p>12 was told that -- this is by Nita White-Ivy, that in</p> <p>13 her career experience as a woman, it's been very</p> <p>14 difficult. And her advice to me is as a woman in a</p> <p>15 corporate environment, don't smile, don't make 16:24:44</p> <p>16 jokes. Men see it as an opportunity or turn-on or</p> <p>17 come-on and also dress like a man. That was her</p> <p>18 advice to me.</p> <p>19 So I told John Chen I don't feel</p> <p>20 comfortable bringing these things up to HR again so 16:24:58</p> <p>21 I expect him to handle it. And also I said I don't</p> <p>22 have -- repeat something in writing from Giamatteo</p> <p>23 so it would be HR will give me advice like they did</p> <p>24 before or it will become like a he said/she said</p> <p>25 kind of thing and I don't want to go through what I 16:25:14</p> <p style="text-align: right;">Page 226</p>	<p>1 The top of the text exchange is sort of where the 16:26:42</p> <p>2 newer stuff comes in. So it's kind of mish-mashing</p> <p>3 two situations or events together, so XYZ was</p> <p>4 previous.</p> <p>5 Q. But is it true that at any point in time 16:27:00</p> <p>6 you told John Chen that Choppers, John Giamatteo,</p> <p>7 may be okay but you need time to determine that?</p> <p>8 Did you ever tell John Chen that at any point in</p> <p>9 time?</p> <p>10 A. Prior to the dinner with my first 16:27:15</p> <p>11 experience with Giamatteo, which made me feel</p> <p>12 uncomfortable, I said to John Chen -- because I have</p> <p>13 to be measured. I've only met the person for the</p> <p>14 first time. And, again, I don't want to be labeled</p> <p>15 the difficult one. Within BlackBerry, raising 16:27:29</p> <p>16 sexual harassment was not taken favorably. Women,</p> <p>17 from my experience, were not supported. So I wanted</p> <p>18 to come across measured to John Chen not be like</p> <p>19 this guy sexually harassed me. I can't work with</p> <p>20 him. John Chen would take me more seriously like if 16:27:48</p> <p>21 I'm coming across like I'm being more thoughtful</p> <p>22 about the situation.</p> <p>23 Q. Just to be clear, when you're writing to</p> <p>24 Sunny on January 6th, 2022, and you're saying, "I</p> <p>25 told John that Choppers may be okay and I need time 16:27:59</p> <p style="text-align: right;">Page 228</p>
<p>1 went through last time. 16:25:18</p> <p>2 MR. LAVOIE: Let's look at Tab 25B.</p> <p>3 (Deposition Exhibit 23 was marked.)</p> <p>4 MR. LAVOIE: Exhibit 23?</p> <p>5 THE REPORTER: Yes. 16:25:41</p> <p>6 MS. BOURN: Bates labeled 1548 plaintiff.</p> <p>7 MR. LAVOIE: Actually, I think -42 is going to</p> <p>8 be the first page so it starts at the top with</p> <p>9 January 6th, 2022.</p> <p>10 Do you see that? 16:25:53</p> <p>11 BY MR. LAVOIE:</p> <p>12 Q. So this is another text exchange with</p> <p>13 Sunny. This one is January 6th, 2022, and you write</p> <p>14 to him, "J. called. He said 'what you said about</p> <p>15 Choppers is very disturbing.'" 16:26:08</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. And then turn it to the back where you</p> <p>19 write a pretty long text and you said -- and this is</p> <p>20 in January -- that you, "told John Chen that 16:26:22</p> <p>21 Choppers may be okay but I need time to determine</p> <p>22 that."</p> <p>23 Is that true? Did you tell John Chen that</p> <p>24 in January of 2022?</p> <p>25 A. No. The XYZ piece was from historical. 16:26:38</p> <p style="text-align: right;">Page 227</p>	<p>1 to determine first. The first time I met, he asked 16:28:04</p> <p>2 me if I'm Indian. He told me the joke about being a</p> <p>3 dirty old man," and like you go blow by blow; right?</p> <p>4 A. Yeah.</p> <p>5 Q. You're describing a conversation that you 16:28:09</p> <p>6 had with John Chen when?</p> <p>7 A. Previously. That's where the XYZ.</p> <p>8 Q. So you're saying Sunny, this person I</p> <p>9 share everything with contemporaneously, I'm telling</p> <p>10 you about a conversation I had with the CEO about 16:28:23</p> <p>11 this dinner with John Giamatteo. This is a</p> <p>12 conversation I had with the CEO like two or three</p> <p>13 months ago?</p> <p>14 A. No. I think you're misunderstanding. So</p> <p>15 John Chen called me in January after I had again 16:28:32</p> <p>16 gone to him and said -- like shared more information</p> <p>17 about how I was being treated by John Giamatteo.</p> <p>18 And then my friend Sunny says -- like previously, I</p> <p>19 thought -- this is like him saying, "Previously I</p> <p>20 thought you said Choppers had said something to 16:28:49</p> <p>21 him."</p> <p>22 And I said, "Oh, the X, Y, Z part," that</p> <p>23 was like historical conversation I've had. He's</p> <p>24 trying to remember previous facts so I'm recounting</p> <p>25 the previous facts to him. 16:29:04</p> <p style="text-align: right;">Page 229</p>

<p>1 created distance. He eventually separated the 16:33:16</p> <p>2 accounts that we had and created the separation, the</p> <p>3 MAP documents as well, but that's as far as I saw</p> <p>4 him do something.</p> <p>5 Q. When those accounts were reassigned, who 16:33:34</p> <p>6 made -- who made the decision as to which customers</p> <p>7 were going to go who? Was that John Chen who made</p> <p>8 that decision ultimately?</p> <p>9 A. I know there's dialogue between Giamatteo</p> <p>10 and Chen. I don't know who made the decision. 16:33:48</p> <p>11 Q. So it may have been Giamatteo who made the</p> <p>12 decision, not the CEO of the company, as to whose --</p> <p>13 where the customers were going to be as between</p> <p>14 elite and cyber? That's your testimony?</p> <p>15 MS. BOURN: Calls for speculation. 16:34:00</p> <p>16 THE WITNESS: It could have been, yes.</p> <p>17 BY MR. LAVOIE:</p> <p>18 Q. And is it -- do you contend that John Chen</p> <p>19 retaliated against you and one way in which he</p> <p>20 retaliated against you was by changing the customer 16:34:14</p> <p>21 accounts?</p> <p>22 A. He was being highly pressured by Giamatteo</p> <p>23 on a regular basis. And John Chen told me that, as</p> <p>24 the company is not doing well, he's being told by</p> <p>25 Tim Foote, who is in charge of investor relations, 16:34:30</p> <p style="text-align: right;">Page 234</p>	<p>1 compound. 16:35:42</p> <p>2 THE WITNESS: Both.</p> <p>3 BY MR. LAVOIE:</p> <p>4 Q. And based on race discrimination or sex</p> <p>5 discrimination or both? 16:35:51</p> <p>6 A. Sexual harassment retaliation for</p> <p>7 reporting that and gender discrimination.</p> <p>8 Q. So you're not contending that you were</p> <p>9 terminated because of your race?</p> <p>10 A. I mean hard to say. I don't know. I 16:36:10</p> <p>11 mean, all the players were white males.</p> <p>12 Q. This is your lawsuit. You get to define</p> <p>13 the allegations.</p> <p>14 Are you contending in this case that one</p> <p>15 of the reasons you were fired was because of your 16:36:20</p> <p>16 race?</p> <p>17 A. It is a possibility.</p> <p>18 Q. You don't know whether -- I'm not</p> <p>19 asking -- I'm saying, are you contending that in</p> <p>20 this case, that you were fired based on your race? 16:36:30</p> <p>21 MS. BOURN: Calls for a legal conclusion.</p> <p>22 THE WITNESS: My answer is what it is. I think</p> <p>23 there's a possibility.</p> <p>24 BY MR. LAVOIE:</p> <p>25 Q. So what conduct did you engage in that you 16:36:41</p> <p style="text-align: right;">Page 236</p>
<p>1 that if he makes a change on the president of the 16:34:34</p> <p>2 cyber BU role, the investors will kick up a fuss and</p> <p>3 John Chen will lose his job. So he told me he was</p> <p>4 stuck between a rock and a hard place and he</p> <p>5 couldn't make the move to axe John Giamatteo because 16:34:45</p> <p>6 investors would just, I guess, abandon the company</p> <p>7 and he would lose his job.</p> <p>8 Q. So your testimony is that John Chen didn't</p> <p>9 retaliate against you because he wanted to but he</p> <p>10 was just a rubber stamp for John Giamatteo's 16:34:59</p> <p>11 retaliation against you?</p> <p>12 MS. BOURN: Misstates testimony, calls for</p> <p>13 speculation.</p> <p>14 THE WITNESS: I am saying that John Chen -- I'm</p> <p>15 telling you what John Chen told me. That's all I 16:35:14</p> <p>16 know from a facts perspective.</p> <p>17 BY MR. LAVOIE:</p> <p>18 Q. So you allege discrimination and</p> <p>19 retaliation in this lawsuit. I'm going to ask you</p> <p>20 some specific questions about employment actions and 16:35:25</p> <p>21 whether you believe that they were taken against you</p> <p>22 because of discrimination or retaliation.</p> <p>23 Do you believe that your termination was</p> <p>24 because of retaliation, discrimination or both?</p> <p>25 MS. BOURN: Calls for a legal conclusion, 16:35:40</p> <p style="text-align: right;">Page 235</p>	<p>1 believe the company fired you in response to? 16:36:43</p> <p>2 A. I spoke -- well first off, I turned down</p> <p>3 John Giamatteo's advances back in October of 2021.</p> <p>4 He, following that, threatened me and told me if I</p> <p>5 didn't give into his sexual advances, he would ruin 16:37:02</p> <p>6 my career. For the next period of two years he</p> <p>7 harassed me, told people he was working on getting</p> <p>8 me out of the company. And then when it came to the</p> <p>9 time around where he was appointed CEO, I was asked</p> <p>10 by the company to speak to this outside law firm or 16:37:21</p> <p>11 investigators, MoFo, Morrison & Foerster.</p> <p>12 And I did that. And I believe two things:</p> <p>13 One, I was retaliated against for that testimony;</p> <p>14 two, Giamatteo wanted me out of the company and it</p> <p>15 was very clear about that. And he would not sign 16:37:41</p> <p>16 his contract as CEO until I was fired which the</p> <p>17 dates show -- the dates back that up.</p> <p>18 Q. So I was asking very specifically about</p> <p>19 what conduct you engaged in that you believe the</p> <p>20 company fired you in response so. So what you did 16:37:53</p> <p>21 you contend the company fired you for. So, one, you</p> <p>22 said you rebuffed the sexual advances; and then,</p> <p>23 two, you made a complaint to the outside law firm</p> <p>24 that was investigating Mr. Giamatteo. Those are two</p> <p>25 things; right? You say you did those things and the 16:38:10</p> <p style="text-align: right;">Page 237</p>

<p>1 company fired you for it; right? 16:38:13</p> <p>2 A. I was asked to give a testimony. I didn't</p> <p>3 make -- submit the complaint. I was asked to give</p> <p>4 it and I gave it, and so I was retaliated against</p> <p>5 for that testimony. 16:38:24</p> <p>6 Q. Anything else that you did that you</p> <p>7 contend caused the company to fire you, any conduct</p> <p>8 that you engaged in other than rebuffing John</p> <p>9 Giamatteo's advances and giving statements to the</p> <p>10 law firm investigating Mr. Giamatteo? 16:38:39</p> <p>11 MS. BOURN: Calls for a legal conclusion, calls</p> <p>12 for contention legal conclusion, calls for a</p> <p>13 narrative. And just a bad question.</p> <p>14 THE WITNESS: Those are the two big things.</p> <p>15 BY MR. LAVOIE: 16:38:55</p> <p>16 Q. So you've testified that you think that</p> <p>17 your termination was based on discrimination because</p> <p>18 you're a woman, so you were fired because you're a</p> <p>19 woman. You may have been fired because of your</p> <p>20 race. 16:39:28</p> <p>21 What facts make you believe that you were</p> <p>22 fired because you're a woman or because you're a</p> <p>23 woman of color?</p> <p>24 MS. BOURN: Calls for a legal conclusion.</p> <p>25 Calls for a legal contention and violation of the 16:39:39</p> <p style="text-align: right;">Page 238</p>	<p>1 the company software history. Didn't get a -- 16:41:19</p> <p>2 pretty much a single note of congratulations after</p> <p>3 closing that deal, where the men would congratulate</p> <p>4 each other and pat themselves on the back after</p> <p>5 closing \$100,000, a smaller deal. 16:41:32</p> <p>6 After closing that deal, my role was</p> <p>7 diminished as opposed to being -- even just make the</p> <p>8 same. Wasn't paid on commission on that deal</p> <p>9 either, so I didn't get paid appropriately for it.</p> <p>10 Like I said, the list goes on and on and on. 16:41:51</p> <p>11 BY MR. LAVOIE:</p> <p>12 Q. So a lot of bad things happened to you,</p> <p>13 you contend at the company.</p> <p>14 You think other people were treated better</p> <p>15 than you? 16:42:00</p> <p>16 A. Men specifically.</p> <p>17 Q. All men were treated better than you at</p> <p>18 the company. That's your testimony.</p> <p>19 A. That wasn't my testimony. It was not</p> <p>20 other people. The people who were treated better -- 16:42:09</p> <p>21 the men I've described, all the people who are --</p> <p>22 who I've mentioned who were harassing me. And</p> <p>23 eventually the reason I got fired were men. And men</p> <p>24 were, like Giamatteo, promoted despite killing his</p> <p>25 business in silence, had to be sold at the end of 16:42:31</p> <p style="text-align: right;">Page 240</p>
<p>1 Rifkind case -- 16:39:45</p> <p>2 Let me finish my objection.</p> <p>3 Calls for a narrative.</p> <p>4 But you can answer.</p> <p>5 THE WITNESS: So many things. There are so 16:39:56</p> <p>6 many examples of how I was treated differently</p> <p>7 because I'm a woman and wasn't part of the boys'</p> <p>8 club. I was paid unfairly. I wasn't given a pay</p> <p>9 raise when I was made CMO. I was -- like from</p> <p>10 Giamatteo's perspective, offered a role on his team 16:40:22</p> <p>11 because he wanted to sleep with me, essentially.</p> <p>12 That's not something that happens to men, or at</p> <p>13 least you don't hear it very often.</p> <p>14 The list goes on. There's so many</p> <p>15 reasons. And all the players who were so eager to 16:40:38</p> <p>16 get me out, Giamatteo, Phil Kurtz, Tim Foote, Dick</p> <p>17 Lynch, all men.</p> <p>18 Again, as I said, the list goes on but</p> <p>19 there's a lot of examples for how I was treated</p> <p>20 differently for being a woman, not respected, not 16:41:00</p> <p>21 invited to -- voice was not respected at the table,</p> <p>22 not invited at the table at times, not taken</p> <p>23 seriously despite, at the time having closed several</p> <p>24 of the company's largest software deals ever,</p> <p>25 including a \$ deal that was the largest in 16:41:15</p> <p style="text-align: right;">Page 239</p>	<p>1 it. And he got promoted to CEO. So it wasn't a 16:42:34</p> <p>2 fair organization towards women at all.</p> <p>3 Q. The board didn't decide to extend John</p> <p>4 Chen.</p> <p>5 Is that because he was a man, because he 16:42:47</p> <p>6 was a person of color?</p> <p>7 MS. BOURN: Calls for speculation.</p> <p>8 BY MR. LAVOIE:</p> <p>9 Q. Like people get let go based on different</p> <p>10 opinions about their value to the company. 16:42:56</p> <p>11 What is your indication that the reason</p> <p>12 that you were let go not just because there was an</p> <p>13 honest difference of opinion about your value to the</p> <p>14 company but because you're a woman specifically?</p> <p>15 MS. BOURN: Calls for a legal conclusion, calls 16:43:08</p> <p>16 for a narrative, calls for a legal context which is</p> <p>17 an inappropriate question for a lawyer to ask, as</p> <p>18 I'm sure you know.</p> <p>19 But you can answer it if you understand</p> <p>20 his question. 16:43:19</p> <p>21 MR. LAVOIE: This is, again, a speaking</p> <p>22 objection, Maria. We'll go the Court on this, but</p> <p>23 you are stopping the deposition time -- don't</p> <p>24 interrupt me. I've waited for you to finish.</p> <p>25 You were sopping up time in this 16:43:29</p> <p style="text-align: right;">Page 241</p>

<p>1 deposition and you are making speaking objections 16:43:32</p> <p>2 that are so long that it makes it hard for the</p> <p>3 witness to remember what the question was. And</p> <p>4 you're suggesting answers to the witness. So I'm</p> <p>5 asking you to stop. You're entitled to a short and 16:43:40</p> <p>6 plain statement of your objection. You're not</p> <p>7 entitled to make speaking objections.</p> <p>8 MS. BOURN: The record will speak for itself.</p> <p>9 I've been very polite today, and you're just</p> <p>10 testifying and you're not asking questions. But do 16:43:49</p> <p>11 what you want.</p> <p>12 BY MR. LAVOIE:</p> <p>13 Q. Do you believe you were ever denied a</p> <p>14 promotion because of discrimination or retaliation</p> <p>15 or both? 16:43:59</p> <p>16 MS. BOURN: Calls for a legal conclusion, calls</p> <p>17 for a legal contention in violation of the Rifkind</p> <p>18 case.</p> <p>19 You can answer.</p> <p>20 THE WITNESS: Yes. As I said, I was not 16:44:07</p> <p>21 paid -- given a salary increase when I was made CMO.</p> <p>22 That's a perfect example.</p> <p>23 BY MR. LAVOIE:</p> <p>24 Q. Well, I'm going to ask about compensation.</p> <p>25 I'm saying were you ever denied a 16:44:15</p> <p style="text-align: right;">Page 242</p>	<p>1 title in that résumé when you've been applying for 16:45:19</p> <p>2 jobs?</p> <p>3 A. Recruiters actively told me if you don't</p> <p>4 use the appropriate title in my résumé, it's going</p> <p>5 to be hard to get a job. Because the titles I was 16:45:28</p> <p>6 given at BlackBerry are so obscure and are not</p> <p>7 normal in the world. You will not find another</p> <p>8 chief elite customer success officer. Because once</p> <p>9 they understood the actual job I was doing, they</p> <p>10 said this is the appropriate title. The titles I 16:45:42</p> <p>11 was given, senior vice president, business</p> <p>12 operations, office of the CEO, that was a chief of</p> <p>13 staff role.</p> <p>14 So many recruiters told me, "You will not</p> <p>15 get a job if you use those titles in your résumé. 16:45:57</p> <p>16 You have to use the industry standards."</p> <p>17 It was BlackBerry who didn't give me the</p> <p>18 industry standard titles despite the fact that I was</p> <p>19 doing those jobs because people like John Giamatteo</p> <p>20 and white men in the company, I was told this 16:46:07</p> <p>21 explicitly, would be upset if I got those titles.</p> <p>22 So they had to try like soften my titles to help</p> <p>23 those individuals feel better, those white men feel</p> <p>24 better.</p> <p>25 Q. So you felt entitled to lie and falsify 16:46:23</p> <p style="text-align: right;">Page 244</p>
<p>1 promotion as in, like, a new and higher job or title 16:44:16</p> <p>2 because of your gender or in retaliation for</p> <p>3 something you had done?</p> <p>4 MS. BOURN: Asked and answered, same objections</p> <p>5 as before. 16:44:28</p> <p>6 THE WITNESS: Yes. So those are things I</p> <p>7 believe happened because of retaliation and me</p> <p>8 turning down John Giamatteo.</p> <p>9 BY MR. LAVOIE:</p> <p>10 Q. What promotion did you not get 16:44:37</p> <p>11 specifically? What job did you try to get that you</p> <p>12 were denied based on discrimination or retaliation?</p> <p>13 MS. BOURN: Calls for a legal conclusion,</p> <p>14 compound.</p> <p>15 You can answer. 16:44:50</p> <p>16 THE WITNESS: So my title in the customer --</p> <p>17 elite customer success side, that was not the right</p> <p>18 title because John Giamatteo would have been upset.</p> <p>19 So that does diminish my role in several ways.</p> <p>20 BY MR. LAVOIE: 16:45:07</p> <p>21 Q. You mean that you deserved to have the</p> <p>22 title of chief customer officer and you were denied</p> <p>23 that title because of retaliation?</p> <p>24 A. Correct.</p> <p>25 Q. But you've gone ahead and assigned your 16:45:16</p> <p style="text-align: right;">Page 243</p>	<p>1 what your actual title was when you applied to jobs 16:46:24</p> <p>2 because you thought you had been mistreated?</p> <p>3 MS. BOURN: Argumentative. Don't answer. That</p> <p>4 is not a question.</p> <p>5 BY MR. LAVOIE: 16:46:35</p> <p>6 Q. You acknowledge that on your résumé that</p> <p>7 you sent to a bunch of prospective employers, you</p> <p>8 listed your title as chief customer officer. You</p> <p>9 acknowledge that; right?</p> <p>10 A. He's just making -- you're creating a 16:46:43</p> <p>11 story here that isn't there.</p> <p>12 Q. No, no. I'm asking a fact.</p> <p>13 In the résumés you sent to prospective</p> <p>14 employers after you lost your job at BlackBerry, did</p> <p>15 you list your title as chief customer officer or did 16:46:55</p> <p>16 you not?</p> <p>17 MS. BOURN: Please lower your tone. There's no</p> <p>18 reason to be yelling at the witness. It's</p> <p>19 inappropriate and we will seek a protective order</p> <p>20 and stop the deposition if you continue. 16:47:07</p> <p>21 MR. LAVOIE: I'll repeat my question --</p> <p>22 MS. BOURN: With a proper tone.</p> <p>23 MR. LAVOIE: Maria, your tone is very</p> <p>24 problematic and the continuous speaking objections</p> <p>25 are obstructing the deposition. I'll ask my 16:47:17</p> <p style="text-align: right;">Page 245</p>

<p>1 question again. 16:47:19</p> <p>2 MS. BOURN: You are crazy. You are lying about</p> <p>3 what I'm doing. So just stop.</p> <p>4 BY MR. LAVOIE:</p> <p>5 Q. In the résumés you sent to prospective 16:47:23</p> <p>6 employers, did you list your title as chief customer</p> <p>7 officer or did you not?</p> <p>8 A. I was discriminated at BlackBerry and</p> <p>9 given obscure titles that do not exist anywhere in</p> <p>10 the industry. You will not find a single person who 16:47:40</p> <p>11 had those titles anywhere else. So that</p> <p>12 discrimination at BlackBerry led to me not only</p> <p>13 being -- I guess getting paid less and penalized at</p> <p>14 BlackBerry but also then affecting my future career.</p> <p>15 So as recruiters -- when I described to 16:48:02</p> <p>16 them the actual job I did, specifically fact based,</p> <p>17 they said, "These are the titles you should have</p> <p>18 had. To get another job, you need to list the</p> <p>19 actual titles, not the ones that they gave you."</p> <p>20 MR. LAVOIE: I'm going to move that entire 16:48:17</p> <p>21 answer as nonresponsive.</p> <p>22 BY MR. LAVOIE:</p> <p>23 Q. My question is yes or no. Yes or no.</p> <p>24 When you sent out résumés to prospective employers,</p> <p>25 did you list your title as chief customer officer? 16:48:26</p> <p style="text-align: right;">Page 246</p>	<p>1 time. 16:49:36</p> <p>2 THE WITNESS: I don't know what other</p> <p>3 opportunities I missed out on based on my gender or</p> <p>4 race or other things. I don't know.</p> <p>5 BY MR. LAVOIE: 16:49:46</p> <p>6 Q. What decision regarding your pay, bonus or</p> <p>7 benefits was, in your view, based on discrimination</p> <p>8 or retaliation?</p> <p>9 MS. BOURN: Compound, calls for a legal</p> <p>10 conclusion. 16:50:00</p> <p>11 THE WITNESS: Not getting a pay raise when I</p> <p>12 was made CMO was one. And I was explicitly told by</p> <p>13 John Chen it was because John Giamatteo would be</p> <p>14 upset. He's already upset I got the CMO job; he'll</p> <p>15 be more upset if you get a pay raise, too. 16:50:14</p> <p>16 BY MR. LAVOIE:</p> <p>17 Q. Any other times when you were denied a pay</p> <p>18 increase or a bonus or other compensation because of</p> <p>19 your -- based on discrimination or retaliation?</p> <p>20 MS. BOURN: Compound, calls for a legal 16:50:34</p> <p>21 conclusion, vague and ambiguous as to time, calls</p> <p>22 for speculation.</p> <p>23 THE WITNESS: You would have to ask HR. I</p> <p>24 don't know. I wouldn't know if they're not giving</p> <p>25 me things. 16:50:46</p> <p style="text-align: right;">Page 248</p>
<p>1 Yes or no? 16:48:30</p> <p>2 A. It's not a yes-or-no question.</p> <p>3 Q. It is a yes-or-no question.</p> <p>4 Do you want to look at your piece of</p> <p>5 paper? Do you want to look at your résumé where you 16:48:35</p> <p>6 had it on there? I guess we can just look at it.</p> <p>7 I'm asking you a question just factually speaking,</p> <p>8 what was on your résumé? When you sent out your</p> <p>9 résumé to prospective employers, did you list your</p> <p>10 title as chief officer or did you not? 16:48:48</p> <p>11 MS. BOURN: Asked and answered three times now.</p> <p>12 Argumentative.</p> <p>13 THE WITNESS: I'm the one under oath. I will</p> <p>14 answer what I think is accurate. And I've given my</p> <p>15 answer. I was discriminated against and I was -- 16:49:03</p> <p>16 that was the issue.</p> <p>17 BY MR. LAVOIE:</p> <p>18 Q. Okay. Well, the record will speak for</p> <p>19 itself.</p> <p>20 So any other promotions, as in jobs that 16:49:16</p> <p>21 you sought at BlackBerry that you didn't get, jobs</p> <p>22 or titles that you sought that you didn't get, based</p> <p>23 on discrimination or retaliation?</p> <p>24 MS. BOURN: Objection; compound, asks for a</p> <p>25 legal contention, and vague and ambiguous as to 16:49:30</p> <p style="text-align: right;">Page 247</p>	<p>1 BY MR. LAVOIE: 16:50:46</p> <p>2 Q. Were you ever demoted or had job duties</p> <p>3 reassigned or lost based on discrimination or</p> <p>4 retaliation?</p> <p>5 MS. BOURN: Compound, vague and ambiguous as to 16:50:57</p> <p>6 time, calls for a legal conclusion.</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MR. LAVOIE:</p> <p>9 Q. When?</p> <p>10 A. When my role -- when my customers were 16:51:04</p> <p>11 reassigned.</p> <p>12 Q. And you viewed -- and at the same time,</p> <p>13 you took on the chief marketing officer role;</p> <p>14 correct?</p> <p>15 A. That was only because my role was reduced 16:51:17</p> <p>16 and I was told it was because John Giamatteo is</p> <p>17 getting very upset.</p> <p>18 Q. Sorry. It was -- you added the chief</p> <p>19 marketing officer title at the same time, right, so</p> <p>20 there were some customers that left your purview. 16:51:33</p> <p>21 You added some customers and then you also took on</p> <p>22 the chief marketing officer title; correct?</p> <p>23 A. I'm trying to give you the answer to your</p> <p>24 question.</p> <p>25 My role -- I was told my role was being 16:51:45</p> <p style="text-align: right;">Page 249</p>

<p>1 reduced. Initially I was told that all of the 16:51:49</p> <p>2 customers were being taken away and I would revert</p> <p>3 back to being like the chief of staff role. I</p> <p>4 fought that because it was clearly retaliation and</p> <p>5 absolutely unfair, especially after I had just 16:52:03</p> <p>6 closed a \$61 million deal, which was the largest</p> <p>7 deal as a software company.</p> <p>8 Eventually after daily harassment, further</p> <p>9 daily harassment, landed that -- I was told okay</p> <p>10 fine, well, we'll reduce your customers and give the 16:52:19</p> <p>11 growing customers back to John Giamatteo and assign</p> <p>12 you ones that he has lost, he and his team have</p> <p>13 lost, so you can then go and win them back.</p> <p>14 I rejected that because it was -- there</p> <p>15 was no basis for it other than retaliation. And it 16:52:39</p> <p>16 was around -- I think it was around March 20 --</p> <p>17 March 2023 when Rich Curiale invited me out to</p> <p>18 lunch -- I'm answering your question, I'm answering</p> <p>19 your question.</p> <p>20 Q. This is venturing far beyond what my 16:52:56</p> <p>21 question was.</p> <p>22 A. It's really not.</p> <p>23 MS. BOURN: You asked a long question. You</p> <p>24 asked for a narrative on two causes of action.</p> <p>25 THE WITNESS: So around March 2023 when all 16:53:05</p> <p style="text-align: right;">Page 250</p>	<p>1 that affected your pay or compensation? 16:54:08</p> <p>2 MS. BOURN: Calls for a legal conclusion,</p> <p>3 compound, calls for a contention question, calls for</p> <p>4 a narrative, vague and ambiguous as to time.</p> <p>5 THE WITNESS: I don't know when others were 16:54:21</p> <p>6 getting pay raises, what pay raises they were</p> <p>7 getting, so I certainly could have been</p> <p>8 discriminated against. I mean I'd like to see that</p> <p>9 information from BlackBerry.</p> <p>10 BY MR. LAVOIE: 16:54:31</p> <p>11 Q. Any other time besides when the customers</p> <p>12 were reassigned that you just discussed, any other</p> <p>13 time where you were demoted, reassigned, or had</p> <p>14 responsibilities taken away based on discrimination</p> <p>15 or retaliation? 16:54:46</p> <p>16 MS. BOURN: Quadruple compound, so object to</p> <p>17 the form of the question. Calls for a legal</p> <p>18 contention, calls for a legal answer, vague and</p> <p>19 ambiguous, overly broad.</p> <p>20 THE WITNESS: When my titles were so obscure 16:55:05</p> <p>21 that, from my perspective, and what I've heard from</p> <p>22 recruiters across countries is that that was a form</p> <p>23 of retaliation and harassment as well.</p> <p>24 BY MR. LAVOIE:</p> <p>25 Q. So I'm asking specifically about 16:55:21</p> <p style="text-align: right;">Page 252</p>
<p>1 this was happening, I told John Chen I can't handle 16:53:08</p> <p>2 how I'm being treated here anymore. I've put up</p> <p>3 with it for long enough. I'm out. I resign. I had</p> <p>4 that conversation with him.</p> <p>5 He called Rich Curiale and said, "Can't 16:53:17</p> <p>6 lose her from the company. She's not going to</p> <p>7 listen to me. You need to speak to her." And</p> <p>8 that's when the offer for CMO came on the table.</p> <p>9 Okay, we're going to take this away from you but</p> <p>10 giving you something else. 16:53:35</p> <p>11 BY MR. LAVOIE:</p> <p>12 Q. What is the name of the person -- and that</p> <p>13 is the only information I'm asking for. What is the</p> <p>14 name of the person who told you that all of your</p> <p>15 accounts were going to be taken away and that you 16:53:40</p> <p>16 would revert to only the chief of staff role?</p> <p>17 A. John Chen and he told me it was because of</p> <p>18 John Giamatteo.</p> <p>19 MR. LAVOIE: Okay. I'll move to strike</p> <p>20 everything after "John Chen." 16:53:50</p> <p>21 BY MR. LAVOIE:</p> <p>22 Q. So you were not given a pay increase when</p> <p>23 you became chief marketing officer.</p> <p>24 Is there any other time where there was a</p> <p>25 discriminatory or retaliatory treatment against you 16:54:04</p> <p style="text-align: right;">Page 251</p>	<p>1 demotions, reassignments, loss of job duties. And 16:55:22</p> <p>2 you talked about not getting a title. So I'm just</p> <p>3 going to ask my question again.</p> <p>4 Other than when the customers were</p> <p>5 reassigned, is there any other instance where you 16:55:33</p> <p>6 were demoted, reassigned, or your job duties were</p> <p>7 changed based on discrimination or retaliation?</p> <p>8 MS. BOURN: Compound, calls for a narrative,</p> <p>9 calls for a legal conclusion, overly broad as to</p> <p>10 time. 16:55:48</p> <p>11 THE WITNESS: There are a number of times the</p> <p>12 discussion came up but I fought it.</p> <p>13 BY MR. LAVOIE:</p> <p>14 Q. Specifically when? Like with regard with</p> <p>15 what change? Like what demotion, what reassignment, 16:55:58</p> <p>16 what change in responsibilities occurred because of</p> <p>17 discrimination or retaliation? I'm not trying to</p> <p>18 fight with you about whether this stuff occurred or</p> <p>19 not. I'm literally trying to understand the breath</p> <p>20 of what you claim happened to you based on 16:56:13</p> <p>21 discrimination or retaliation so I'll ask again.</p> <p>22 Other than having the customers</p> <p>23 reassigned, can you think of another instance where</p> <p>24 you were demoted, reassigned, or had</p> <p>25 responsibilities taken away based on discrimination 16:56:26</p> <p style="text-align: right;">Page 253</p>

<p>1 or retaliation? 16:56:29</p> <p>2 MS. BOURN: Calls for a legal conclusion,</p> <p>3 compound. Objection to the form of the question,</p> <p>4 calls for a legal contention in violation of</p> <p>5 Rifkind. 16:56:39</p> <p>6 THE WITNESS: Over that period of two years,</p> <p>7 there was numerous discussions about taking the</p> <p>8 customers away, about those types of things because</p> <p>9 Giamatteo was unhappy. So eventually it ended up</p> <p>10 happening but that's the key case. 16:56:58</p> <p>11 MR. LAVOIE: Okay, let's a look at Tab B.</p> <p>12 MS. BOURN: Videographer, what time did we</p> <p>13 start?</p> <p>14 THE VIDEOGRAPHER: We're at 39 minutes on.</p> <p>15 MS. BOURN: Defense Exhibit 24. 16:57:42</p> <p>16 MS. BECK: It was already introduced as</p> <p>17 Exhibit 3.</p> <p>18 MR. LAVOIE: Oh, the responses to</p> <p>19 interrogatory, the first set of interrogatories?</p> <p>20 Oh, right, I see what you mean. 16:58:06</p> <p>21 Sorry. We previously marked this as</p> <p>22 Exhibit 3, which is why we only had two copies of</p> <p>23 it, so we don't have to dig through the prior</p> <p>24 exhibits to find it, or you can use the new copy.</p> <p>25 It's the same thing. 16:58:17</p> <p style="text-align: right;">Page 254</p>	<p>1 Q. Yep, that's right. So you just read the 17:06:11</p> <p>2 entirety of your response and amended response to</p> <p>3 defendant's interrogatory No. 2; correct?</p> <p>4 A. Yes.</p> <p>5 Q. And that interrogatory asks you to 17:06:20</p> <p>6 describe in detail each act of retaliation you</p> <p>7 contend was taken against you by defendants.</p> <p>8 Do you see that? It's page 5.</p> <p>9 A. Yes.</p> <p>10 Q. And you attested to the accuracy of this 17:06:30</p> <p>11 interrogatory response under penalty of perjury.</p> <p>12 Do you remember doing that?</p> <p>13 A. Yeah. I mean, I remembered at the time.</p> <p>14 Q. And so my question is this: Are all of</p> <p>15 these acts of retaliation that you describe here, do 17:06:45</p> <p>16 you also contend that they were acts of</p> <p>17 discrimination?</p> <p>18 MS. BOURN: Objection; calls for a legal</p> <p>19 conclusion.</p> <p>20 I'm going to instruct you not to answer 17:06:55</p> <p>21 that question.</p> <p>22 BY MR. LAVOIE:</p> <p>23 Q. You're going to follow that instruction to</p> <p>24 not answer the question?</p> <p>25 A. Yes. 17:07:03</p> <p style="text-align: right;">Page 256</p>
<p>1 MS. BOURN: Do you want to retract the number? 16:58:17</p> <p>2 MR. LAVOIE: Yeah. We should refer to it as</p> <p>3 Exhibit 3, so I think we just tried to mark that</p> <p>4 as -- what?</p> <p>5 MS. BECK: 24. 16:58:26</p> <p>6 MR. LAVOIE: 24, so forget that. We'll make</p> <p>7 something else 24 and this remains Exhibit 3.</p> <p>8 BY MR. LAVOIE:</p> <p>9 Q. So I'm going to direct your attention to</p> <p>10 page 5. So in the middle of the page, the question, 16:58:42</p> <p>11 which is labeled as interrogatory No. 2, says,</p> <p>12 "Describe in detail each act of retaliation that you</p> <p>13 contend was taken against you by defendants."</p> <p>14 And then I just want you to just scan</p> <p>15 through the next few pages all the way through the 16:59:03</p> <p>16 middle of page 12.</p> <p>17 (Witness reviews document.)</p> <p>18 A. Do I read the amendment, too?</p> <p>19 Q. Yes.</p> <p>20 MS. BOURN: Setting an alarm for 6:30. 17:04:02</p> <p>21 BY MR. LAVOIE:</p> <p>22 Q. And you're almost there. Just a half page</p> <p>23 left.</p> <p>24 A. That's good. So just stop at line 30 on</p> <p>25 page 12? 17:06:10</p> <p style="text-align: right;">Page 255</p>	<p>1 MR. LAVOIE: I think that is improper and we'll 17:07:04</p> <p>2 reserve the right to bring Ms. Sandhu back here for</p> <p>3 further questioning.</p> <p>4 MS. BOURN: You can ask a better question.</p> <p>5 BY MR. LAVOIE: 17:07:14</p> <p>6 Q. Are there any ways in which you were</p> <p>7 retaliated against, which you describe here over the</p> <p>8 course of many pages, are all of those instances you</p> <p>9 believe also acts of discrimination?</p> <p>10 MS. BOURN: Objection; calls for a legal 17:07:27</p> <p>11 conclusion.</p> <p>12 I'm going to instruct you not to answer.</p> <p>13 BY MR. LAVOIE:</p> <p>14 Q. Are you following that instruction?</p> <p>15 A. Yes. 17:07:37</p> <p>16 MS. BOURN: You can ask a better question.</p> <p>17 You've asked her to read multiple pages and you're</p> <p>18 saying, "Is that discrimination?" That's a legal</p> <p>19 conclusion.</p> <p>20 BY MR. LAVOIE: 17:07:47</p> <p>21 Q. I'm saying, are these -- you just read a</p> <p>22 list of alleged acts of retaliation.</p> <p>23 I'm just saying, is it your position that</p> <p>24 these were all acts of discrimination as well,</p> <p>25 gender discrimination? 17:08:00</p> <p style="text-align: right;">Page 257</p>

<p>1 MS. BOURN: I'll object, calls for a legal 17:08:03</p> <p>2 conclusion. You can ask a better question such as,</p> <p>3 do you think you were treated differently because</p> <p>4 you're a woman?</p> <p>5 MR. LAVOIE: No, that's not my question. 17:08:12</p> <p>6 MS. BOURN: You're asking a legal conclusion.</p> <p>7 You know that's improper.</p> <p>8 Don't answer that. He can ask a better</p> <p>9 question that is proper for an attorney to ask a lay</p> <p>10 witness. 17:08:24</p> <p>11 BY MR. LAVOIE:</p> <p>12 Q. Do you think all of the events and actions</p> <p>13 that you describe in your interrogatory response</p> <p>14 No. 2 happened because you were a woman?</p> <p>15 MS. BOURN: Better question. 17:08:34</p> <p>16 You can answer that.</p> <p>17 THE WITNESS: I need to kind --</p> <p>18 BY MR. LAVOIE:</p> <p>19 Q. No. You just read them. I gave you 12</p> <p>20 minutes on the record. You just read them. 17:08:43</p> <p>21 Are you contending that all these actions</p> <p>22 happened to you because you're a woman?</p> <p>23 MS. BOURN: You can take your time to review</p> <p>24 and properly answer the question.</p> <p>25 MR. LAVOIE: I'll just take that as an 17:08:55</p> <p style="text-align: right;">Page 258</p>	<p>1 because you're a woman? 17:09:44</p> <p>2 A. Okay. Are you going to ask me another</p> <p>3 question after that about --</p> <p>4 Q. Yes. And I'm going to say, are there any</p> <p>5 other acts of retaliation against you that you 17:09:48</p> <p>6 remember other than those here?</p> <p>7 A. Okay.</p> <p>8 MS. BOURN: Just a second. You're going to ask</p> <p>9 her that question when she comes back?</p> <p>10 MR. LAVOIE: Yes. 17:10:00</p> <p>11 MS. BOURN: Okay. So there's no pending</p> <p>12 question.</p> <p>13 MR. LAVOIE: Great. Okay. Thanks, Maria.</p> <p>14 Let's go off the record.</p> <p>15 THE VIDEOGRAPHER: This marks the end of Media 17:10:05</p> <p>16 Unit 5. We are going off the record. The time is</p> <p>17 5:10 p.m.</p> <p>18 (Recess taken.)</p> <p>19 THE VIDEOGRAPHER: This marks the beginning of</p> <p>20 Media Unit 6. We are going back on the record. The 17:25:55</p> <p>21 time is 5:26 p.m.</p> <p>22 BY MR. LAVOIE:</p> <p>23 Q. During the break, you had a chance to</p> <p>24 re-review your response to defendant's interrogatory</p> <p>25 No. 2 asking about each act of retaliation you 17:26:10</p> <p style="text-align: right;">Page 260</p>
<p>1 instruction not to answer if that's what you're 17:08:57</p> <p>2 going to do.</p> <p>3 MS. BOURN: I'm not instructing her not to</p> <p>4 answer.</p> <p>5 MR. LAVOIE: No. That's okay. 17:09:02</p> <p>6 MS. BOURN: Please don't interrupt me. Just a</p> <p>7 second. I'd like to make the record clear.</p> <p>8 MR. LAVOIE: Let's --</p> <p>9 MS. BOURN: I'm not instructing you not to</p> <p>10 answer, but if you need to review it to provide a 17:09:07</p> <p>11 full and complete answer, you are entitled to do</p> <p>12 that.</p> <p>13 MR. LAVOIE: I just provided 10 minutes or five</p> <p>14 minutes for the witness to read the entirety of the</p> <p>15 seven-page response. If you want to read it again, 17:09:20</p> <p>16 we can go off the record.</p> <p>17 THE WITNESS: I don't want to read it again,</p> <p>18 but I want to be able to say yes or no to you in a</p> <p>19 factual way.</p> <p>20 BY MR. LAVOIE: 17:09:29</p> <p>21 Q. We're at the time for a break so let's</p> <p>22 take a break. And you can review it off the record.</p> <p>23 A. And you're saying gender discrimination?</p> <p>24 Q. Yes. All these things that you describe</p> <p>25 in No. 2, do you believe they happened to you 17:09:39</p> <p style="text-align: right;">Page 259</p>	<p>1 contend was taken against you by defendants. 17:26:13</p> <p>2 When you reviewed that response again --</p> <p>3 after having reviewed that response again, can you</p> <p>4 identify a single additional instance that was an</p> <p>5 act of retaliation against you that you didn't 17:26:27</p> <p>6 mention in your interrogatory response?</p> <p>7 MS. BOURN: Calls for a narrative, calls for a</p> <p>8 legal conclusion.</p> <p>9 THE WITNESS: I think I said this at the end of</p> <p>10 the amended response to the interrogatory, that I 17:26:40</p> <p>11 was retaliated against, harassed on a -- I would say</p> <p>12 almost daily basis. It hard for me to recount every</p> <p>13 single example but this is a good flavor of them.</p> <p>14 BY MR. LAVOIE:</p> <p>15 Q. I'm not asking for flavor. 17:27:01</p> <p>16 I'm saying as you sit here right now, can</p> <p>17 you identify an additional single instance of act of</p> <p>18 retaliation that you don't mention in this</p> <p>19 interrogatory response?</p> <p>20 MS. BOURN: Objection; misstates the request 17:27:14</p> <p>21 because you're adding discrimination and compound</p> <p>22 and calls for a narrative.</p> <p>23 THE WITNESS: Like, honestly, I don't know</p> <p>24 without, like, writing down, okay, this is what I've</p> <p>25 got here, this is what I've got there. Like I would 17:27:35</p> <p style="text-align: right;">Page 261</p>

<p>1 need more time to think, okay is there anything I've 17:27:39</p> <p>2 missed. This is a lot of information here to be</p> <p>3 able to say, but for sure there were other examples</p> <p>4 because this is a short list and I was harassed and</p> <p>5 retaliated against on a daily basis. 17:27:52</p> <p>6 BY MR. LAVOIE:</p> <p>7 Q. You just can't tell me any examples right</p> <p>8 now as you sit here; is that right?</p> <p>9 A. It's not that. It's just that it's such a</p> <p>10 long list. I don't know how I could cross-reference 17:28:01</p> <p>11 what's in here and what's not. I can't take</p> <p>12 these -- how many pages in, to be able to answer</p> <p>13 that.</p> <p>14 Q. These instances are the most severe acts</p> <p>15 of retaliation that you experienced; correct? 17:28:11</p> <p>16 MS. BOURN: Objection to the extent it calls</p> <p>17 for a legal conclusion and to the extent it calls</p> <p>18 for a narrative.</p> <p>19 THE WITNESS: I can't answer that without like</p> <p>20 thinking through -- most severe, I don't know. Like 17:28:23</p> <p>21 if it's a legal definition, I don't know but</p> <p>22 eventually getting fired is pretty bad. That's</p> <p>23 ultimately the biggest retaliation.</p> <p>24 MR. LAVOIE: Let's look at Tab 53. We'll mark</p> <p>25 that as the next exhibit in line. 17:28:51</p> <p style="text-align: right;">Page 262</p>	<p>1 Do you see that? 17:30:35</p> <p>2 A. Yep.</p> <p>3 Q. What letter is he referring to?</p> <p>4 A. There we posted a letter publicly on the</p> <p>5 BlackBerry blog so it was a letter to employees 17:30:42</p> <p>6 which we posted publicly.</p> <p>7 Q. And it didn't relate to his resignation?</p> <p>8 A. No. Had nothing to do with that.</p> <p>9 Q. Related to his departure?</p> <p>10 A. It was a letter when he was announcing to 17:30:52</p> <p>11 employees, which is why he mentions the town hall,</p> <p>12 like an e-mail that went out to all employees to say</p> <p>13 I'm leaving, I've had a great time here and then I</p> <p>14 can't remember what the rest of it. But we posted</p> <p>15 it publicly on the BlackBerry blog. 17:31:07</p> <p>16 Q. So at least as of October 23rd, 2023, you</p> <p>17 were aware that John Chen would be leaving</p> <p>18 BlackBerry; correct?</p> <p>19 A. He told me he had not made a final</p> <p>20 decision but that to prepare in case that was where 17:31:18</p> <p>21 he landed.</p> <p>22 Q. All we see is John Chen's -- this is BBMe</p> <p>23 messages; right?</p> <p>24 A. I don't know. Is there like a marker</p> <p>25 somewhere? 17:31:32</p> <p style="text-align: right;">Page 264</p>
<p>1 (Deposition Exhibit 24 was marked.) 17:28:54</p> <p>2 BY MR. LAVOIE:</p> <p>3 Q. Did you know that John Chen's contract was</p> <p>4 not going to be renewed and he would be leaving</p> <p>5 BlackBerry before that became public knowledge? 17:29:20</p> <p>6 A. Before it became public knowledge? Yes.</p> <p>7 Q. You worked with him on his resignation</p> <p>8 letter; right?</p> <p>9 A. No. I did not.</p> <p>10 Q. Did you work with him on some kind of 17:29:32</p> <p>11 letter to the board relating to the end of his</p> <p>12 tenure at BlackBerry?</p> <p>13 A. No.</p> <p>14 Q. Okay. Maybe this will refresh your</p> <p>15 recollection. This is Exhibit 24. 17:29:43</p> <p>16 MS. BOURN: Bates labeled 18995 through 19002.</p> <p>17 BY MR. LAVOIE:</p> <p>18 Q. Direct your attention to page 5. At the</p> <p>19 top of page 5, the very first line at the top of</p> <p>20 page 5 is a message from John Chen dated 17:30:15</p> <p>21 October 23rd, 2023, at 8:55 p.m. and he writes,</p> <p>22 "Tomorrow we need to work on my letter. Let's carve</p> <p>23 out an hour. I don't know if the town hall is</p> <p>24 appropriate, maybe it will, especially if the gossip</p> <p>25 is true." 17:30:34</p> <p style="text-align: right;">Page 263</p>	<p>1 Q. You can't tell? 17:31:33</p> <p>2 A. I could not tell. No. That would be a</p> <p>3 good guess. This doesn't look like an e-mail.</p> <p>4 Q. These are directed at you; right?</p> <p>5 (Witness reviews document.) 17:31:45</p> <p>6 A. I mean looking at just -- I haven't read</p> <p>7 the full document but this piece, I would say yes,</p> <p>8 it looks like it's directed at me.</p> <p>9 MS. BOURN: It looks like it's directed at me.</p> <p>10 I need some time to see what she's saying. 17:31:53</p> <p>11 BY MR. LAVOIE:</p> <p>12 Q. It's not so easy to tell because we only</p> <p>13 have John Chen's side of the conversation; right?</p> <p>14 A. It looks like that, yes.</p> <p>15 Q. We don't have the other person's side of 17:32:05</p> <p>16 the conversation; correct?</p> <p>17 A. Not what you have printed out and given to</p> <p>18 me, no.</p> <p>19 Q. Okay. So that's Exhibit 23 -- or, sorry,</p> <p>20 24. 17:32:19</p> <p>21 Let's look at the very bottom of</p> <p>22 Exhibit 24, last page on the back, and it says --</p> <p>23 this is on December 10th, 2023, and it says, "Neelam</p> <p>24 Sandhu," that's you.</p> <p>25 Does that make you think that this was a 17:32:50</p> <p style="text-align: right;">Page 265</p>

<p>1 chat that you had with John Chen? 17:32:52</p> <p>2 A. At least this portion. As I said, I</p> <p>3 haven't read the whole document but at least this</p> <p>4 bit looks like it, yes.</p> <p>5 Q. This is the BBMe exchange that you had 17:32:59</p> <p>6 with John Chen; correct?</p> <p>7 A. Appears that way.</p> <p>8 Q. And you don't see any other participants</p> <p>9 in this, do you?</p> <p>10 A. I do not. 17:33:08</p> <p>11 Q. So it says December 10th, 2023, Neelam</p> <p>12 Sandhu chat retracted. December 10th, 2023, when</p> <p>13 was that in comparison with Dick Lynch met with you</p> <p>14 and told you you were being let go from BlackBerry?</p> <p>15 A. Six days later. I was told on 17:33:27</p> <p>16 December 4th.</p> <p>17 Q. And during that conversation Mr. Lynch</p> <p>18 told you that you would have the option to portray</p> <p>19 your departure as a resignation if you chose;</p> <p>20 correct? 17:33:38</p> <p>21 A. Correct.</p> <p>22 Q. And he gave you some time to make that</p> <p>23 decision. He didn't ask for it on the spot; right?</p> <p>24 A. I don't remember what the deadline was but</p> <p>25 I didn't have that much time, no. 17:33:50</p> <p style="text-align: right;">Page 266</p>	<p>1 makes the chat disappear from my home screen. So if 17:35:08</p> <p>2 I've got a list of like 100 chats, it would</p> <p>3 disappear from there. To delete a chat, my</p> <p>4 understanding the only way to delete a chat is if</p> <p>5 the IT admin takes an action. But like that 17:35:25</p> <p>6 otherwise -- say, record -- like BBMe could be used</p> <p>7 for record-keeping purposes.</p> <p>8 Q. Why did you retract your portion of the</p> <p>9 chat with John Chen?</p> <p>10 A. I used to do it regularly, retract chats 17:35:40</p> <p>11 regularly throughout the course of my career at</p> <p>12 BlackBerry. It was the only way to remove chats</p> <p>13 from the view. And sometimes I would retract them</p> <p>14 to shorten the list of chats that were in the view,</p> <p>15 because it's really hard to scroll through them all. 17:35:58</p> <p>16 There's no real reason other than I was just kind of</p> <p>17 really upset about what had happened and didn't want</p> <p>18 to see kind of that memory of things on my phone</p> <p>19 anymore.</p> <p>20 Q. So you were just doing some clean-up on 17:36:17</p> <p>21 your BBMe. You intended to -- which phone was this?</p> <p>22 Was this BlackBerry-owned device or was it your</p> <p>23 personal device?</p> <p>24 A. It was a device that I had -- executives</p> <p>25 were given a device and that was -- like it was 17:36:32</p> <p style="text-align: right;">Page 268</p>
<p>1 Q. Did he ask you to decide during the very 17:33:52</p> <p>2 conversation that he informed you that you were</p> <p>3 being let go?</p> <p>4 A. He did not. He said because I'm in Dubai,</p> <p>5 that he was going to give me a bit of time to 17:34:04</p> <p>6 decide.</p> <p>7 Q. Okay. And so December 10th, 2023, at</p> <p>8 6:47 a.m. you retracted the messages that you had</p> <p>9 contributed to this BBMe chain with John Chen;</p> <p>10 correct? 17:34:24</p> <p>11 A. It appears that way, yes.</p> <p>12 Q. And when you -- and to do that, you had to</p> <p>13 click on an option that says "retract chat";</p> <p>14 correct?</p> <p>15 A. Yes. 17:34:35</p> <p>16 Q. So you opened this particular chat with</p> <p>17 John Chen and clicked on "retract chat"; right?</p> <p>18 A. It appears that way, yes. I don't</p> <p>19 remember.</p> <p>20 Q. And when you clicked on "retract chat" in 17:34:46</p> <p>21 your BBMe with John Chen, you would have seen a</p> <p>22 notification that said, "All of your sent messages</p> <p>23 will be permanently deleted." You saw that; right?</p> <p>24 A. That message does not come up, no. No,</p> <p>25 retract chat, when -- from my memory, it just like 17:35:03</p> <p style="text-align: right;">Page 267</p>	<p>1 given to you and after a year, like it becomes your 17:36:36</p> <p>2 device. That was a policy or something. So that</p> <p>3 was the device it was. But it's like a BYOD setup</p> <p>4 so it had a -- it was a compartment for work. I</p> <p>5 think they call it container. So it containerizes 17:36:51</p> <p>6 work data from personal.</p> <p>7 Q. So this was a device that you were going</p> <p>8 to continue to own and use after you left</p> <p>9 BlackBerry?</p> <p>10 A. I hadn't decided at the time if I ended 17:37:03</p> <p>11 up -- like I use an iPhone now. So no, it wasn't a</p> <p>12 decision I was making. If I'm going to keep using</p> <p>13 that phone, use something else, I don't know.</p> <p>14 Phones come and go. I don't know how to answer that</p> <p>15 question. 17:37:22</p> <p>16 Q. Is John Chen the only person that you</p> <p>17 retracted your side of the BBMe chat with on</p> <p>18 December 10th, 2023?</p> <p>19 A. I don't know.</p> <p>20 Q. You don't remember? 17:37:31</p> <p>21 A. No.</p> <p>22 Q. And the reason you retracted your side of</p> <p>23 the chat was that you wanted to avoid painful</p> <p>24 memories?</p> <p>25 A. Exactly. What did end up happening, 17:37:46</p> <p style="text-align: right;">Page 269</p>

<p>1 though -- I can't remember quite when. It was 17:37:49</p> <p>2 around this time frame that BlackBerry wiped my</p> <p>3 device. They wiped container. So everything, like</p> <p>4 the BBM app just went away. So everything on the</p> <p>5 device was wiped from a work data perspective. I 17:37:59</p> <p>6 did get a notification of that on my phone.</p> <p>7 Q. You also retracted your side of the chat</p> <p>8 with someone named Mary Hundt?</p> <p>9 A. Yeah. I don't remember doing that; but if</p> <p>10 I had -- just someone I felt who -- she was in HR. 17:38:15</p> <p>11 She had set up the call between Dick Lynch and I.</p> <p>12 So she would have known I was fired and I found that</p> <p>13 upsetting.</p> <p>14 Q. So you just wanted to retract your chats</p> <p>15 with Mary Hundt to avoid painful memories? 17:38:32</p> <p>16 A. Exactly.</p> <p>17 It was a very emotional time. I mean, as</p> <p>18 I said, being fired for not sleeping with somebody,</p> <p>19 it's pretty tough when you work really hard and</p> <p>20 invest so much in your career. As I said, 17:38:43</p> <p>21 ultimately BlackBerry wiped the work container off</p> <p>22 my phone and everything went away, every single</p> <p>23 chat, all the e-mails, all the chats, whatever work</p> <p>24 data was on the phone.</p> <p>25 Q. You also retracted your chats with 17:39:03</p> <p style="text-align: right;">Page 270</p>	<p>1 hid that chat from my phone by using the retract 17:40:35</p> <p>2 feature.</p> <p>3 Q. By this time on December 10th, 2023, you</p> <p>4 had hired lawyers; correct?</p> <p>5 A. I had talked to a lawyer. I hadn't hired 17:40:48</p> <p>6 one at the time, no.</p> <p>7 Q. How many times had you spoken to a lawyer</p> <p>8 from Ms. Bourn's law firm?</p> <p>9 A. Just once I believe.</p> <p>10 Q. So you spoke to someone from Ms. Bourn's 17:40:59</p> <p>11 firm once on what date?</p> <p>12 MS. BOURN: Asked and answered.</p> <p>13 BY MR. LAVOIE:</p> <p>14 Q. Your rog response says November 17th.</p> <p>15 That's when you spoke to a lawyer at Ms. Bourn's 17:41:09</p> <p>16 firm?</p> <p>17 A. That's when I spoke with you. That was</p> <p>18 the first time I spoke with you.</p> <p>19 Q. So your testimony is that you never spoke</p> <p>20 with Ms. Borne again from the first time you spoke 17:41:20</p> <p>21 with her on November 17th, 2023, all the way through</p> <p>22 when you had your conversation with Dick Lynch where</p> <p>23 he told you you were being let go?</p> <p>24 A. Correct, yes.</p> <p>25 Q. Did you have any conversations with any 17:41:36</p> <p style="text-align: right;">Page 272</p>
<p>1 Jennifer Bramhill; correct? 17:39:08</p> <p>2 A. I don't remember. But if I did, another</p> <p>3 person who I think sort of just it was upsetting</p> <p>4 that she knew as well about what was going on and</p> <p>5 just felt like it was a really toxic environment. 17:39:22</p> <p>6 Q. You also retracted your chats with Marc</p> <p>7 Cormier?</p> <p>8 A. Who's Marc Cormier? I don't remember who</p> <p>9 that is.</p> <p>10 Q. Painful memories with him? 17:39:35</p> <p>11 A. Whoever I did, yeah, it would be the same</p> <p>12 sort of thing. It was a combination of two reasons.</p> <p>13 The emotional side of things and then also there</p> <p>14 were people on my team who were -- so when I was</p> <p>15 told I was fired by Dick Lynch, he said my job 17:39:52</p> <p>16 duties are eliminated I guess effective immediately.</p> <p>17 I don't remember the exact words, but effective</p> <p>18 immediately. And I wasn't allowed to communicate</p> <p>19 with my team unless I was telling them I resigned.</p> <p>20 So my team was messaging me, "We need 17:40:10</p> <p>21 approval on this and that." Like I'm responsive and</p> <p>22 care about my team and take pride in being that way.</p> <p>23 And so when they're messaging me, and I'm not</p> <p>24 allowed to respond, that's really difficult. So I</p> <p>25 didn't want to see that on my phone. So I just like 17:40:30</p> <p style="text-align: right;">Page 271</p>	<p>1 lawyers in the two or three days after Dick Lynch 17:41:38</p> <p>2 told you that you were being let go?</p> <p>3 A. Not that I recall. I've only even spoken</p> <p>4 with a lawyer perspective with my current law firm</p> <p>5 that's representing me. 17:41:51</p> <p>6 Q. How long was it after December 10th, 2023,</p> <p>7 that you hired Ms. Bourn's firm to represent you?</p> <p>8 A. I would have to explain the contract but</p> <p>9 it was January or late December, something like</p> <p>10 that. Mid-December. It wasn't right away. It was 17:42:06</p> <p>11 whenever you contacted BlackBerry. That would have</p> <p>12 been about the time I signed something. And it was</p> <p>13 just to review -- like review the legal letter that</p> <p>14 I had been sent by BlackBerry. That was the purpose</p> <p>15 of it. 17:42:23</p> <p>16 Q. In the days after Dick Lynch told you that</p> <p>17 you were being let go, did you ever -- did the</p> <p>18 thought ever cross your mind that you might sue the</p> <p>19 company?</p> <p>20 A. Not until like -- I want to say like 17:42:33</p> <p>21 January, probably January time frame.</p> <p>22 Q. And that's when you requested your</p> <p>23 personnel record?</p> <p>24 A. I wanted my personnel record like --</p> <p>25 because I know that lawyers generally kind of 17:42:47</p> <p style="text-align: right;">Page 273</p>

<p>1 or an e-mail, but I remember him being in the loop 17:52:06</p> <p>2 somehow. And, yeah, it was highly confidential.</p> <p>3 Q. It was a very tight-knit group of people,</p> <p>4 closely held information?</p> <p>5 A. I know there were other people who knew, 17:52:20</p> <p>6 like Phil Kurtz knew and Phil Kurtz told Tim Foote.</p> <p>7 But other than that -- from my perspective on who I</p> <p>8 spoke with, that's who I had spoken with.</p> <p>9 Q. Your impression at the time was that it</p> <p>10 was a small circle of people who knew that John Chen 17:52:40</p> <p>11 was about to depart? This is in the late</p> <p>12 October 2023 time period; right?</p> <p>13 A. Yeah. I mean, it should have been at</p> <p>14 least. I believe John Giamatteo knew as well</p> <p>15 because I was being asked from people in the 17:52:52</p> <p>16 company, John Giamatteo saying he's going to be the</p> <p>17 next CEO and Neelam -- like do you know if that's</p> <p>18 true? And I didn't have a conversation but he was</p> <p>19 telling people.</p> <p>20 Q. You mentioned being interviewed by an 17:53:08</p> <p>21 outside law firm as part of an investigation of</p> <p>22 allegations against John Giamatteo.</p> <p>23 Are you aware of the existence -- I'm not</p> <p>24 asking anything more than just whether you're aware</p> <p>25 as of the today that this ever existed. Are you 17:53:27</p> <p style="text-align: right;">Page 282</p>	<p>1 BY MR. LAVOIE: 17:54:58</p> <p>2 Q. Did you ever see a draft of a complaint</p> <p>3 against John Giamatteo regarding sexual misconduct</p> <p>4 in October or November of 2023 before such a</p> <p>5 complaint was filed? 17:55:09</p> <p>6 A. No. I don't even know what was in the</p> <p>7 complaint to be able to say anything.</p> <p>8 Q. Have you ever seen a copy of the</p> <p>9 complaint, the EthicsLink complaint, that initiated</p> <p>10 the law firm investigation? Have you ever read it? 17:55:25</p> <p>11 A. Not that I recall. I know you've probably</p> <p>12 got it, but -- you've mentioned it but, no, I have</p> <p>13 not.</p> <p>14 Q. So it's your testimony that certainly not</p> <p>15 prior to this litigation; right? So prior to this 17:55:39</p> <p>16 lawsuit starting, your testimony is you never laid</p> <p>17 eyes on an EthicsLinks complaint from October or</p> <p>18 November of 2023 that alleged sexual misconduct by</p> <p>19 John Giamatteo?</p> <p>20 MS. BOURN: Asked and answered. 17:55:54</p> <p>21 THE WITNESS: Asked and answered, right?</p> <p>22 MS. BOURN: He's asking what your testimony is,</p> <p>23 so he's clearly asking and answering the same</p> <p>24 question.</p> <p>25 Please don't point at her. 17:56:06</p> <p style="text-align: right;">Page 284</p>
<p>1 aware as of today that at some point in October of 17:53:30</p> <p>2 2023, there was an anonymous EthicsLink complaint</p> <p>3 made alleging sexual misconduct by John Giamatteo?</p> <p>4 Are you aware of that as of today?</p> <p>5 A. I'm aware of a complaint. I don't know 17:53:44</p> <p>6 when it was submitted. Like it would have been</p> <p>7 sometime before MoFo interviewed me I'm guessing.</p> <p>8 Q. And so prior to your interview with</p> <p>9 Morrison & Forester, were you aware that there had</p> <p>10 been some sort of complaint about -- other than your 17:54:01</p> <p>11 own, about sexual misconduct by John Giamatteo?</p> <p>12 A. I was -- was I aware? I was aware that</p> <p>13 there had been complaints about the boys' club</p> <p>14 culture he was creating, but I didn't know if that</p> <p>15 was like an official HR complaint or what, but I 17:54:27</p> <p>16 knew there was complaints about it.</p> <p>17 Q. Did you write or submit an anonymous</p> <p>18 EthicsLink complaint regarding John Giamatteo in</p> <p>19 October or November of 2023?</p> <p>20 A. I did not. 17:54:41</p> <p>21 Q. Did you see any words that, to your</p> <p>22 understanding, wound up in an anonymous EthicsLink</p> <p>23 against John Giamatteo before any such complaint was</p> <p>24 filed, even if you didn't write them yourself?</p> <p>25 MS. BOURN: Vague and ambiguous. 17:54:57</p> <p style="text-align: right;">Page 283</p>	<p>1 MR. LAVOIE: This is another example of you 17:56:09</p> <p>2 giving an objection. The witness then just repeated</p> <p>3 your objection and declined to answer the question.</p> <p>4 So now I have to ask the question again.</p> <p>5 BY MR. LAVOIE: 17:56:18</p> <p>6 Q. Your testimony is that at no point prior</p> <p>7 to this litigation did you ever lay eyes on an</p> <p>8 EthicsLink complaint filed in October or November of</p> <p>9 2023 that alleged sexual misconduct by John</p> <p>10 Giamatteo? 17:56:31</p> <p>11 Is that your testimony?</p> <p>12 MS. BOURN: Asked and answered.</p> <p>13 THE WITNESS: Correct. Yeah, I was not the</p> <p>14 recipient. I was not looped into that.</p> <p>15 BY MR. LAVOIE: 17:56:39</p> <p>16 Q. In October or November of 2023 did you</p> <p>17 have any conversations with anyone in which they</p> <p>18 told you that they were thinking about filing a</p> <p>19 complaint about John Giamatteo?</p> <p>20 A. Not that I recall. 17:56:53</p> <p>21 Q. I'm not asking whether you recall it.</p> <p>22 I'm asking, did it happen or did it not?</p> <p>23 So is it your testimony that at no time in October</p> <p>24 or November of 2023 did anyone tell you that they</p> <p>25 were contemplating submitting a complaint against 17:57:06</p> <p style="text-align: right;">Page 285</p>

<p>1 John Giamatteo? 17:57:09</p> <p>2 MS. BOURN: Can you read back the question,</p> <p>3 please?</p> <p>4 MR. LAVOIE: No.</p> <p>5 MS. BOURN: Your question is confusing. You're 17:57:13</p> <p>6 asking a double negative. "At no time" isn't it</p> <p>7 correct.</p> <p>8 MR. LAVOIE: These speaking objections are</p> <p>9 obviously obstructive.</p> <p>10 MS. BOURN: Answer the question. I want it 17:57:23</p> <p>11 read back so it's clear what you're asking.</p> <p>12 BY MR. LAVOIE:</p> <p>13 Q. Here's my question.</p> <p>14 At any time in October or November 2023,</p> <p>15 did anyone tell you that they were thinking about 17:57:31</p> <p>16 submitting a complaint about John Giamatteo?</p> <p>17 A. Not that I recall, no.</p> <p>18 Q. Do you think that would be memorable to</p> <p>19 you if it had occurred? If someone had come to you</p> <p>20 during that time period when John Chen was 17:57:45</p> <p>21 departing, and they said, "I'm thinking about filing</p> <p>22 a complaint against John Giamatteo for sexual</p> <p>23 misconduct," do you think that would be memorable to</p> <p>24 you?</p> <p>25 (Reporter seeks clarification.) 17:57:59</p> <p style="text-align: right;">Page 286</p>	<p>1 write the complaint or submit it. 17:59:21</p> <p>2 Q. And you didn't provide information to</p> <p>3 someone else who you understood to be submitting it;</p> <p>4 correct?</p> <p>5 MS. BOURN: Calls for speculation. 17:59:31</p> <p>6 THE WITNESS: I don't know who submitted it.</p> <p>7 BY MR. LAVOIE:</p> <p>8 Q. Which would mean that you didn't provide</p> <p>9 information to another person who you understood to</p> <p>10 be submitting it. That's my question. 17:59:39</p> <p>11 MS. BOURN: Wait a minute. You didn't not do</p> <p>12 something; isn't that correct? Is that the</p> <p>13 question?</p> <p>14 THE WITNESS: Let's say hypothetically, it</p> <p>15 was -- it was -- I don't know, Rich Curiale who 17:59:49</p> <p>16 submitted the complaint, right, I'm making this up</p> <p>17 and I'm trying to use a very obscure example so</p> <p>18 people don't think I'm like giving it up. I've</p> <p>19 talked to him about -- or someone from MoFo, I've</p> <p>20 talked to them about the harassment. If they then 18:00:10</p> <p>21 submit something, that's like -- is that saying I'm</p> <p>22 contributing? I don't know. I did not write or</p> <p>23 submit the complaint.</p> <p>24 BY MR. LAVOIE:</p> <p>25 Q. So this complaint said that it was being 18:00:23</p> <p style="text-align: right;">Page 288</p>
<p>1 A. So people were complaining about John 17:58:04</p> <p>2 Giamatteo and the boys' club culture he was creating</p> <p>3 on a regular basis. It was a conversation in the</p> <p>4 company. So if that happened again in October or</p> <p>5 November, I don't know. 17:58:17</p> <p>6 Q. So you think it's possible that in October</p> <p>7 or November of 2023, right around the time that John</p> <p>8 Chen was departing BlackBerry, that someone may have</p> <p>9 said, "I'm thinking about filing a complaint</p> <p>10 alleging sexual misconduct by John Giamatteo," and 17:58:31</p> <p>11 you just don't remember that?</p> <p>12 MS. BOURN: Calls for speculation. Defense</p> <p>13 counsel is putting his hands up in the air and</p> <p>14 making faces.</p> <p>15 THE WITNESS: Yeah. As I said, there's nothing 17:58:42</p> <p>16 there I remember happening.</p> <p>17 BY MR. LAVOIE:</p> <p>18 Q. So did you ever contribute information</p> <p>19 that you understood was going to go into an</p> <p>20 anonymous complaint against John Giamatteo? 17:59:01</p> <p>21 A. I mean, if it's one of the people I told</p> <p>22 you I've talked to about my experience or if it's</p> <p>23 someone I talked to about my experience that I don't</p> <p>24 remember, then I don't know who submitted it so --</p> <p>25 like I don't know. But I haven't like -- I didn't 17:59:17</p> <p style="text-align: right;">Page 287</p>	<p>1 submitted on behalf of a collective of about 10 18:00:26</p> <p>2 women.</p> <p>3 A. Okay.</p> <p>4 Q. Did you understand yourself, in October of</p> <p>5 2023, to be a member of a collective of about 10 18:00:32</p> <p>6 woman who were submitting a complaint about John</p> <p>7 Giamatteo?</p> <p>8 MS. BOURN: Calls for speculation.</p> <p>9 THE WITNESS: I believe what I told MoFo is</p> <p>10 what I know. They asked me if I knew of other women 18:00:45</p> <p>11 and I think I knew of about two others at the time.</p> <p>12 MR. LAVOIE: I'm going to move to strike as</p> <p>13 nonresponsive.</p> <p>14 BY MR. LAVOIE:</p> <p>15 Q. My question is, the complaint was 18:00:54</p> <p>16 submitted by a group that identified themselves as a</p> <p>17 collective of about 10 woman.</p> <p>18 In October 2023, did you consider yourself</p> <p>19 to be within a group of about 10 women who were</p> <p>20 submitting an EthicsLink complaint about John 18:01:08</p> <p>21 Giamatteo?</p> <p>22 MS. BOURN: Calls for speculation.</p> <p>23 THE WITNESS: No, I did not. I was not part of</p> <p>24 a collective complaint.</p> <p>25 BY MR. LAVOIE: 18:01:17</p> <p style="text-align: right;">Page 289</p>

<p>1 for the role and there's really no perfect answer to 18:15:27</p> <p>2 that question. It wasn't some career I was</p> <p>3 pursuing. I wasn't pursuing it. But saying no</p> <p>4 could be the wrong answer and saying yes could be</p> <p>5 the wrong answer. So I gave -- I was just answering 18:15:45</p> <p>6 his question and gave a sort of middle-of-the-road</p> <p>7 answer because I didn't want to -- I didn't know</p> <p>8 that there was a right answer. But it wasn't</p> <p>9 something I had asked John Chen for or put an</p> <p>10 ambition out there for. 18:15:59</p> <p>11 Q. Dick Lynch testified that you brought up</p> <p>12 the concept of you yourself becoming CEO. You deny</p> <p>13 that?</p> <p>14 A. Yes.</p> <p>15 Q. You testified that Dick Lynch was the one 18:16:08</p> <p>16 who initiated the conversation about whether you</p> <p>17 would be interested in being CEO, not you; right?</p> <p>18 A. I asked him have they already decided</p> <p>19 who's going to be CEO and that's when he asked me</p> <p>20 would I want to be it. 18:16:24</p> <p>21 Q. Dick Lynch testified that you told him</p> <p>22 that you felt you were qualified to be BlackBerry's</p> <p>23 CEO.</p> <p>24 Did you tell Dick Lynch that you felt you</p> <p>25 were qualified to be BlackBerry's CEO? 18:16:33</p> <p style="text-align: right;">Page 302</p>	<p>1 Giamatteo's numbers were not where they needed to 18:17:40</p> <p>2 be. They were quite poor. And so he needed -- his</p> <p>3 team, John Giamatteo and his team, to be focused on</p> <p>4 different deals than us so that we weren't -- we</p> <p>5 were driving as much opportunity and pipeline for 18:17:55</p> <p>6 the business. So I was told to drive that</p> <p>7 separation for those two reasons.</p> <p>8 Q. You would reprimand members of your team</p> <p>9 if you found out that they had collaborated with</p> <p>10 other teams or individuals within the company; 18:18:10</p> <p>11 correct?</p> <p>12 A. Absolutely not, no.</p> <p>13 Q. You routinely spoke negatively about</p> <p>14 Mr. Giamatteo to your employees on the elite</p> <p>15 customer success team, did you not? 18:18:20</p> <p>16 A. No, I did not.</p> <p>17 Q. You told your team not to work with</p> <p>18 Mr. Giamatteo's team because if they did,</p> <p>19 Mr. Giamatteo's team would claim the wins; correct?</p> <p>20 A. No. As I explained, John Chen had said he 18:18:31</p> <p>21 didn't want to get put into a situation of double</p> <p>22 comp. It happened a few times, and he asked us to</p> <p>23 ensure that separation. And he needed the teams --</p> <p>24 the business was doing very poorly. He needed the</p> <p>25 teams to be looking at different accounts because we 18:18:47</p> <p style="text-align: right;">Page 304</p>
<p>1 A. I don't remember using those words. But 18:16:36</p> <p>2 as I say, I kind of gave a middle-of-the-road answer</p> <p>3 from what I remember because I didn't think a</p> <p>4 yes-or-no answer would have been the right thing at</p> <p>5 that time. 18:16:46</p> <p>6 Q. Did you tell Dick Lynch that you'd like to</p> <p>7 be considered for the CEO role in response to his</p> <p>8 question?</p> <p>9 MS. BOURN: Asked and answered.</p> <p>10 THE WITNESS: Yeah. I remember giving a 18:16:53</p> <p>11 middle-of-the-road answer because I was thinking if</p> <p>12 I say yes, it could be seen as problematic. To say</p> <p>13 no, I'm not driven enough or don't think I've got</p> <p>14 the skill set. So it's like I'll give a</p> <p>15 middle-of-the-road answer, that I didn't think there 18:17:06</p> <p>16 was a right answer to the question.</p> <p>17 BY MR. LAVOIE:</p> <p>18 Q. Did you ever instruct members of your</p> <p>19 elite customer success team that they shouldn't work</p> <p>20 with Mr. Giamatteo's cybersecurity unit because his 18:17:16</p> <p>21 team wasn't very competent?</p> <p>22 A. No. I was told by John Chen that we</p> <p>23 needed to keep certain deals separate from the cyber</p> <p>24 BU because the sales teams would otherwise want to</p> <p>25 be paid on those deals. And also he said that John 18:17:35</p> <p style="text-align: right;">Page 303</p>	<p>1 needed all to be driving as much pipeline as 18:18:52</p> <p>2 possible and as many deals as possible. That's what</p> <p>3 I would have communicated if anything.</p> <p>4 MR. LAVOIE: Do you want to take a break?</p> <p>5 THE REPORTER: Sure. 18:19:07</p> <p>6 THE VIDEOGRAPHER: This marks the end of Media</p> <p>7 Unit 6. We are going off the record. The time is</p> <p>8 6:19 p.m.</p> <p>9 (Recess taken.)</p> <p>10 THE VIDEOGRAPHER: This marks the beginning of 18:46:17</p> <p>11 Media Unit 6 -- or 7. We are going back on the</p> <p>12 record. The time is 6:46 p.m.</p> <p>13 BY MR. LAVOIE:</p> <p>14 Q. Who do you believe made the decision to</p> <p>15 terminate you? 18:46:30</p> <p>16 MS. BOURN: Calls for speculation.</p> <p>17 THE WITNESS: I think it was an ultimatum from</p> <p>18 John Giamatteo.</p> <p>19 BY MR. LAVOIE:</p> <p>20 Q. So you think John Giamatteo was ultimately 18:46:42</p> <p>21 the person who decided to fire you?</p> <p>22 A. Yeah. I would say he wouldn't sign the</p> <p>23 CEO contract unless I was fired, so . . .</p> <p>24 Q. What's the most concrete thing you're</p> <p>25 aware of that leads you to believe that the person 18:46:58</p> <p style="text-align: right;">Page 305</p>

1 who made the decision to fire you wasn't Dick Lynch, 18:47:02	1 A. No. Again, not somebody they worked with. 18:49:33
2 it was actually John Giamatteo?	2 Q. You would often call members of your elite
3 A. The two years leading up to my	3 customer success team at BlackBerry at 9:00 p.m.,
4 termination, my firing, where he threatened me that	4 10:00 p.m., 11:00 p.m. at night and talk to them for
5 he was going to ruin my career. He said he was 18:47:20	5 a long time about work; correct? 18:49:53
6 working on getting me out of the company. I heard	6 A. Not correct.
7 from multiple people that he was not going to sign	7 Q. If one of your team members told you they
8 the contract for CEO if he didn't get -- if I wasn't	8 couldn't get a particular thing done, you would
9 fired first.	9 often respond to them, "Is that what you would want
10 And then the timing of me being fired 18:47:41	10 me to tell John Chen?" 18:50:05
11 versus when he actually ended up signing the	11 A. Absolutely not.
12 contract, and then the timing of my deadline to tell	12 Q. You deny that?
13 people I had resigned versus when he was announced,	13 A. I deny that.
14 all of those things.	14 Q. Have you ever said that to a subordinate
15 Q. Did you ever tell Hans-Peter Bauer about 18:48:04	15 at BlackBerry when they told you they couldn't get 18:50:10
16 John Giamatteo having made an advance?	16 something done? Did you ever tell them, "Is that
17 A. Hans-Peter Bauer was part of the boys'	17 what you want me to tell John Chen?"
18 club so no.	18 A. No, I don't speak like that.
19 Q. Did you ever tell Phil Kurtz that John	19 Q. In talking to colleagues or members of
20 Giamatteo had made an advance on you? 18:48:19	20 your team, you would refer to your relationship with 18:50:25
21 A. Also part of the boys' club.	21 John Chen nonstop.
22 Q. So?	22 Do you agree with that?
23 A. So no, I did not.	23 A. It was actually the opposite. I would
24 Q. Did you ever tell Tim Foote that John	24 make sure I wasn't doing that.
25 Giamatteo had made an advance? 18:48:28	25 Q. You would name-drop John Chen all the time 18:50:41
Page 306	Page 308
1 A. Yes, I did. And Tim Foote and Phil Kurtz 18:48:29	1 in your conversations around the company. 18:50:43
2 were very close as well.	2 Do you disagree with that?
3 Q. So what facts did you share with Tim	3 A. I disagree with that.
4 Foote? Did you share the touching with him?	4 Q. You were often demonstrably angry when you
5 A. Yes, I did. 18:48:41	5 were talking to your employees on the elite customer 18:50:51
6 Q. And did you share any details about the	6 success team.
7 touching as like in terms of where on your body or	7 Do you deny that?
8 things like that with Tim Foote?	8 A. I deny that.
9 A. Not as specific as I've gotten into today	9 Q. Mark Mosiadz was a member of your elite
10 but enough detail that it was clear what was 18:48:55	10 customer success team; correct? 18:51:02
11 happening.	11 A. Correct.
12 Q. So you didn't just tell him that	12 Q. What's your understanding of the reason he
13 Mr. Giamatteo said, "We should travel together." He	13 took medical leave?
14 made a joke about his daughters and I interpreted	14 A. At the time I wasn't aware of why he was
15 that as an advance. You told him that Mr. Giamatteo 18:49:07	15 taking medical leave. I had had multiple 18:51:16
16 had touched you inappropriately?	16 conversations with him about his performance. And I
17 A. Yes, I did.	17 had let HR, Jenn Bramhill specifically, know that I
18 Q. You routinely spoke negatively about Tim	18 was thinking of either terminating him or moving his
19 Foote to members of your elite customer success	19 reporting line to report to -- not to report
20 team; correct? 18:49:23	20 directly to me as he needed much more coaching and 18:51:34
21 A. No, they didn't have exposure to Tim	21 mentoring and wasn't operating effectively.
22 Foote.	22 So that may have had something to do with
23 Q. You also routinely spoke negatively to	23 it, because I wonder if that leaked from the Jenn
24 your elite customer success team about Phil Kurtz;	24 Bramhill somehow.
25 correct? 18:49:31	25 Q. So you think he may have taken medical 18:51:50
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<p>1 A. Yes. 19:02:12</p> <p>2 Q. You're expressing skepticism about the</p> <p>3 medical need for her leave; correct?</p> <p>4 A. To a friend privately, not in a</p> <p>5 professional environment, and I followed the right 19:02:20</p> <p>6 procedures and processes at work and never expressed</p> <p>7 that at work.</p> <p>8 Q. You wrote, "She thinks Choppers will be</p> <p>9 CEO by then." Why did you write that?</p> <p>10 A. Because I had heard that from others on 19:02:34</p> <p>11 the team that that was why she was being difficult</p> <p>12 with me, because she felt that she didn't need to</p> <p>13 work with me as her manager, that I would be gone</p> <p>14 soon.</p> <p>15 Q. Did you think that John Giamatteo might be 19:02:48</p> <p>16 CEO in four weeks?</p> <p>17 A. I had no idea what John Giamatteo had</p> <p>18 decided about his contract at that point.</p> <p>19 Q. Well, this is after John Chen had</p> <p>20 departed. This was when Dick Lynch was the interim 19:02:59</p> <p>21 CEO, so November of 2023. And at that point, did</p> <p>22 you have any thought as to whether Mr. Giamatteo</p> <p>23 would be CEO four weeks from then?</p> <p>24 A. Well, based on what Dick Lynch said, that</p> <p>25 they had already decided who the CEO is, when I -- 19:03:14</p> <p style="text-align: right;">Page 318</p>	<p>1 A. Yes. 19:04:22</p> <p>2 Q. And the reason you did that is because you</p> <p>3 were hoping to block him from becoming CEO; correct?</p> <p>4 A. No. Dick Lynch had expressed that he</p> <p>5 wanted an organization that -- I can't remember the 19:04:33</p> <p>6 e-mail. So if you could pull it up. But he said</p> <p>7 something about -- it was in the e-mail, I can't</p> <p>8 recall, but the kind of organization that he was</p> <p>9 looking for. And so I was showing him, in the hope</p> <p>10 that he would help resolve the issues, that this 19:04:50</p> <p>11 is -- I'm allowed to report internally if I'm being</p> <p>12 sexually harassed or retaliated against. So that's</p> <p>13 what I was doing.</p> <p>14 Q. Did you ever tell Dick Lynch that John</p> <p>15 Giamatteo had made an advance at you? 19:05:07</p> <p>16 A. I didn't get the opportunity to, and I</p> <p>17 assumed he knew because of the MoFo investigation.</p> <p>18 So my testimony in the MoFo investigation, the</p> <p>19 board -- my assumption was that they would be aware</p> <p>20 of those things. 19:05:25</p> <p>21 Q. You never told MoFo that John Giamatteo</p> <p>22 ever touched you or tried to touch you</p> <p>23 inappropriately?</p> <p>24 A. I don't remember exactly what I said to</p> <p>25 them, but I remember very clearly -- I asked them 19:05:33</p> <p style="text-align: right;">Page 320</p>
<p>1 around the time of my MoFo interview, then I would 19:03:17</p> <p>2 say yes. If that date is -- I can't remember the</p> <p>3 date I met Dick Lynch.</p> <p>4 Q. So after your conversation -- after your</p> <p>5 one-on-one with Dick Lynch, whenever that was, you 19:03:32</p> <p>6 believed that John Giamatteo would become the next</p> <p>7 CEO?</p> <p>8 A. That was pretty much clearly what Dick</p> <p>9 Lynch said in the conversation. He said they have</p> <p>10 already decided who the CEO is going to be. 19:03:45</p> <p>11 Q. And you understood that person to be John</p> <p>12 Giamatteo?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So from the time that you spoke</p> <p>15 one-on-one with Dick Lynch, at least from that point 19:03:57</p> <p>16 forward, you understood that the next CEO of</p> <p>17 BlackBerry was going to be John Giamatteo?</p> <p>18 A. That's what it was coming across like. I</p> <p>19 mean I wouldn't say understood because I hadn't seen</p> <p>20 it, a contract or anything like that. 19:04:10</p> <p>21 Q. Well, about 10 days after that, you</p> <p>22 e-mailed a complaint to Dick Lynch about John</p> <p>23 Giamatteo?</p> <p>24 A. Correct.</p> <p>25 Q. Do you recall that? 19:04:21</p> <p style="text-align: right;">Page 319</p>	<p>1 before the call to give me a heads up on what the 19:05:36</p> <p>2 call was about so I could be thoughtful and prepare</p> <p>3 for it. And when I got on the call, I was surprised</p> <p>4 to learn about what the call was about. And it was</p> <p>5 very hard to recollect and gather all my thoughts. 19:05:47</p> <p>6 So I gave them the information that I</p> <p>7 could emotionally get together in that moment in</p> <p>8 time, and it was a very short conversation. Today</p> <p>9 we've been almost all day versus with them, it would</p> <p>10 have been a 30-, 45-, or 60-minute call. 19:06:07</p> <p>11 Q. You're saying that when you were speaking</p> <p>12 to the Morrison & Foerster lawyers about alleged</p> <p>13 misconduct, sexual misconduct by John Giamatteo,</p> <p>14 when you spoke to them for an hour, you just forgot</p> <p>15 that he had touched you at a dinner? 19:06:21</p> <p>16 A. No, that's absolutely not what I said.</p> <p>17 What I said was that I can't recall all the details</p> <p>18 I told them. But I would have told them that his</p> <p>19 behavior was inappropriate, made me uncomfortable,</p> <p>20 all of those things. Whether I said, "He touched my 19:06:36</p> <p>21 hand when we're going for the food," or those</p> <p>22 specifics that we've gone through today, I don't</p> <p>23 recall.</p> <p>24 Q. You didn't tell the Morrison & Foerster</p> <p>25 lawyers during your interview with him that John 19:06:46</p> <p style="text-align: right;">Page 321</p>

<p>1 Giamatteo had touched you or tried to touch you. 19:06:49</p> <p>2 You didn't tell them that; right?</p> <p>3 A. I've answered this question. I'm not sure</p> <p>4 why you're asking me again.</p> <p>5 Q. Go ahead and answer it again if you think 19:06:59</p> <p>6 you answered it. I'm saying you didn't tell the</p> <p>7 Morrison & Foerster lawyers that John Giamatteo</p> <p>8 touched or tried to touch you, you didn't tell them</p> <p>9 that; correct?</p> <p>10 A. Like -- no, that's not correct at all. 19:07:07</p> <p>11 Q. So you told them, the Morrison & Foerster</p> <p>12 lawyers, that John Giamatteo touched you or tried to</p> <p>13 touch you. That's your testimony?</p> <p>14 A. I've given my testimony. You're asking me</p> <p>15 again in a way that is trying to change my 19:07:22</p> <p>16 testimony.</p> <p>17 Q. How? I'm just asking, did you tell the</p> <p>18 Morrison & Foerster lawyers that John Giamatteo</p> <p>19 touched you? Did you tell them that or did you not</p> <p>20 tell them that? 19:07:32</p> <p>21 A. I've answered the question and you're</p> <p>22 trying to change my testimony. My answer is what it</p> <p>23 is. I had a conversation with them. It was a very</p> <p>24 emotionally distressing conversation, and I</p> <p>25 expressed to them that in whatever terms -- they 19:07:45</p> <p style="text-align: right;">Page 322</p>	<p>1 retaliation from the conversation with them, too. 19:08:43</p> <p>2 So I could have told them he touched me. I don't</p> <p>3 recall the words and the specifics I used. It was a</p> <p>4 very emotionally distressing conversation.</p> <p>5 Q. You also sent a follow-up e-mail or maybe 19:08:54</p> <p>6 more than one to the Morrison & Foerster lawyers;</p> <p>7 correct?</p> <p>8 A. I forwarded them some information that I</p> <p>9 had provided previously to HR.</p> <p>10 Q. And in those follow-up communications with 19:09:04</p> <p>11 Morrison & Foerster, you never told them that John</p> <p>12 Giamatteo touched you; correct?</p> <p>13 A. In the e-mails to Morrison & Foerster, I</p> <p>14 didn't recount all the things that I had told them</p> <p>15 on the call; that was already done. 19:09:20</p> <p>16 Q. But I'm just asking about what was in the</p> <p>17 e-mails and what wasn't.</p> <p>18 So in the e-mails, you didn't tell them</p> <p>19 that John Giamatteo had touched you; correct?</p> <p>20 A. I had already had the conversation with 19:09:29</p> <p>21 them on the call, so the e-mails -- I wasn't writing</p> <p>22 anything -- I was forwarding them something</p> <p>23 specific. I wasn't writing something new</p> <p>24 necessarily.</p> <p>25 MR. LAVOIE: I'm going to move to strike all 19:09:41</p> <p style="text-align: right;">Page 324</p>
<p>1 must have a transcript of the conversation or a 19:07:50</p> <p>2 recording, that I was sexually harassed and that he</p> <p>3 told me then that he was going to -- what was the</p> <p>4 phrase -- ruin my career. He was working on getting</p> <p>5 me out of the company and all of the other things 19:08:07</p> <p>6 I've described.</p> <p>7 MR. LAVOIE: I'll move to strike all that as</p> <p>8 nonresponsive.</p> <p>9 BY MR. LAVOIE:</p> <p>10 Q. I actually don't know your answer to this 19:08:14</p> <p>11 question.</p> <p>12 Did you tell the Morrison & Foerster</p> <p>13 lawyers that John Giamatteo touched you?</p> <p>14 THE WITNESS: Maria --</p> <p>15 MS. BOURN: Asked and answered. 19:08:23</p> <p>16 BY MR. LAVOIE:</p> <p>17 Q. No, you don't get to ask your lawyer. I'm</p> <p>18 asking you the question. You have not answered this</p> <p>19 question.</p> <p>20 Did you tell the Morrison & Foerster 19:08:29</p> <p>21 lawyers that John Giamatteo touched you?</p> <p>22 A. As I said, I don't remember the exact</p> <p>23 details I gave them, but I was clear with them that</p> <p>24 it was sexual harassment. I was worried he -- about</p> <p>25 all the retaliation and I was worried about 19:08:40</p> <p style="text-align: right;">Page 323</p>	<p>1 that as nonresponsive again. 19:09:43</p> <p>2 BY MR. LAVOIE:</p> <p>3 Q. In your e-mails with Morrison & Foerster</p> <p>4 in your follow-up after your meeting with them, did</p> <p>5 you tell them that John Giamatteo had touched you? 19:09:49</p> <p>6 A. We can review the e-mails. I can't</p> <p>7 remember what was in them.</p> <p>8 Q. You don't remember one way or another in</p> <p>9 your e-mails whether you mentioned that John</p> <p>10 Giamatteo touched you? 19:09:57</p> <p>11 A. I have provided the e-mails. Could we</p> <p>12 review them?</p> <p>13 Q. No. I'm asking for your recollection.</p> <p>14 Is it your testimony that you just don't</p> <p>15 remember one way or another whether, in your e-mails 19:10:07</p> <p>16 to Morrison & Foerster after your interview with</p> <p>17 them, you told them that John Giamatteo had touched</p> <p>18 you? You just don't remember one way or another?</p> <p>19 A. I don't recall.</p> <p>20 Q. Okay. Thank you. 19:10:20</p> <p>21 Is it possible that you never told</p> <p>22 Morrison & Foerster that John Giamatteo had touched</p> <p>23 you?</p> <p>24 MS. BOURN: Calls for speculation.</p> <p>25 THE WITNESS: I highly doubt it but you're 19:10:33</p> <p style="text-align: right;">Page 325</p>

<p>1 going to have read the transcript or watch the 19:10:36</p> <p>2 recording. I couldn't remember.</p> <p>3 BY MR. LAVOIE:</p> <p>4 Q. Why do you doubt it?</p> <p>5 A. Because he sexually harassed me. Why 19:10:40</p> <p>6 would I not bring that up? But at the same time, it</p> <p>7 was a very emotionally distressing call. As I said,</p> <p>8 they surprised me with it. I asked for advanced</p> <p>9 notice so I could recollect -- prepare for the</p> <p>10 conversation and they didn't give that grace. So I 19:10:58</p> <p>11 don't even remember what I said on the call, so it</p> <p>12 was definitely a very difficult situation and it's</p> <p>13 very hard to recall it all.</p> <p>14 Q. When you were on the video conference with</p> <p>15 Dick Lynch where you were let go from BlackBerry, 19:11:16</p> <p>16 you were physically in Dubai; correct?</p> <p>17 A. Correct.</p> <p>18 Q. BlackBerry paid for your trip to Dubai,</p> <p>19 including your airfare and hotel; right?</p> <p>20 A. It was a business trip so yes. 19:11:28</p> <p>21 Q. And you stayed at the Ritz Carlton;</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. And did anyone from BlackBerry approve in</p> <p>25 advance you staying at the Ritz Carlton on this trip 19:11:35</p> <p style="text-align: right;">Page 326</p>	<p>1 damages in this case. It also goes to your efforts 19:13:21</p> <p>2 to find a new job.</p> <p>3 You don't get to make objections,</p> <p>4 Ms. Sandhu.</p> <p>5 MS. BOURN: Ask a question and don't instruct 19:13:29</p> <p>6 her how to answer questions. Your job is to ask</p> <p>7 questions, not to tell her what to do. And don't do</p> <p>8 that again. She's my client, not yours.</p> <p>9 You can answer the question.</p> <p>10 THE WITNESS: I had savings to tide me over 19:13:42</p> <p>11 some time, for a short period of time.</p> <p>12 BY MR. LAVOIE:</p> <p>13 Q. How long?</p> <p>14 A. I don't feel like I need to provide --</p> <p>15 MS. BOURN: You can -- it's okay. 19:13:49</p> <p>16 THE WITNESS: I don't know. A year and a half,</p> <p>17 something like that.</p> <p>18 BY MR. LAVOIE:</p> <p>19 Q. A year and a half? And you took a break</p> <p>20 before you started looking for a new job? 19:14:00</p> <p>21 A. I got fired on December the fourth and it</p> <p>22 was the Christmas period. I started looking for a</p> <p>23 job in January. And I also needed some time to</p> <p>24 emotionally, like, start to heal and -- I had just</p> <p>25 been fired. That's a very, very difficult 19:14:16</p> <p style="text-align: right;">Page 328</p>
<p>1 to Dubai? 19:11:38</p> <p>2 A. Dick Lynch said he didn't want to get</p> <p>3 involved in admin and we should just operate on</p> <p>4 those things as we need to and Dubai hotels are --</p> <p>5 the name Ritz Carlton might sound jazzy but Dubai 19:11:48</p> <p>6 hotels are generally not priced that way.</p> <p>7 Q. When you logged onto this call with Dick</p> <p>8 Lynch, did you think it was possible that you were</p> <p>9 going to be let go during this call?</p> <p>10 A. I did not because I just landed in Dubai 19:12:03</p> <p>11 and HR before doing a termination, they would always</p> <p>12 check, is the person on vacation? Are they on</p> <p>13 business travel? They can see those details in the</p> <p>14 system. So we never fire someone if they are on</p> <p>15 vacation or on business travel. So, no, I did not. 19:12:21</p> <p>16 MS. BOURN: Thirty-five minutes left.</p> <p>17 THE WITNESS: Thank you.</p> <p>18 BY MR. LAVOIE:</p> <p>19 Q. After you left BlackBerry, were you</p> <p>20 financially stable in the months -- let's say -- 19:13:04</p> <p>21 just limit that to the months immediately after you</p> <p>22 were let go from BlackBerry.</p> <p>23 A. Why do I need to answer this question?</p> <p>24 Q. Damages. You're alleging damages. You're</p> <p>25 seeking, according to your lawyers, \$50 million in 19:13:18</p> <p style="text-align: right;">Page 327</p>	<p>1 experience. 19:14:20</p> <p>2 Q. So when did you begin your job search in</p> <p>3 earnest?</p> <p>4 A. Sometime in January. I don't remember the</p> <p>5 exact dates, but I think I provided you those, this 19:14:26</p> <p>6 information.</p> <p>7 Q. January 2024?</p> <p>8 A. Correct, yeah. I was fired in</p> <p>9 December 2023.</p> <p>10 Q. Okay. So by February and March of 2024 19:14:34</p> <p>11 you were full blown looking for a new job?</p> <p>12 A. Correct. Yeah, I was reaching out to</p> <p>13 recruiters, having conversations applying for jobs.</p> <p>14 I hadn't applied for a job in 15 years almost. So</p> <p>15 trying to figure out what that looked like and 19:14:54</p> <p>16 writing a résumé and doing all those things.</p> <p>17 Q. You took -- did you take any trips to the</p> <p>18 UK in the months after you were fired from</p> <p>19 BlackBerry?</p> <p>20 A. I did, yeah. I always go to the UK for 19:15:09</p> <p>21 Christmas and New Year.</p> <p>22 Q. How many weeks were you there after -- in</p> <p>23 the months after you left BlackBerry?</p> <p>24 A. Maybe four weeks.</p> <p>25 Q. Four weeks? 19:15:21</p> <p style="text-align: right;">Page 329</p>

<p>1 don't agree and the deposition is closed. 19:43:11</p> <p>2 MR. LAVOIE: That's all for me.</p> <p>3 THE VIDEOGRAPHER: Okay. We are off the record</p> <p>4 at 7:43 p.m. and this concludes today's today given</p> <p>5 my Neelam Sandhu. The total number of media used 19:43:23</p> <p>6 was seven and will be retained by Veritext Legal</p> <p>7 Solutions.</p> <p>8 (Whereupon, the proceedings were concluded</p> <p>9 at 7:43 p.m.)</p> <p>10 ---oOo--- 19:43:30</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 354</p>	<p>1 Maria Bourn</p> <p>2 maria@gobolaw.com</p> <p>3 September 5, 2025</p> <p>4 RE: Sandhu, Neelam v. Blackberry Corporation</p> <p>5 8/22/2025, Neelam Sandhu, (#7525313).</p> <p>6 The above-referenced transcript has been</p> <p>7 completed by Veritext Legal Solutions and</p> <p>8 review of the transcript is being handled as follows:</p> <p>9 __ Per CA State Code (CCP 2025.520 (a)-(e)) – Contact Veritext</p> <p>10 to schedule a time to review the original transcript at</p> <p>11 a Veritext office.</p> <p>12 __ Per CA State Code (CCP 2025.520 (a)-(e)) – Locked .PDF</p> <p>13 Transcript - The witness should review the transcript and</p> <p>14 make any necessary corrections on the errata pages included</p> <p>15 below, notating the page and line number of the corrections.</p> <p>16 The witness should then sign and date the errata and penalty</p> <p>17 of perjury pages and return the completed pages to all</p> <p>18 appearing counsel within the period of time determined at</p> <p>19 the deposition or provided by the Code of Civil Procedure.</p> <p>20 Contact Veritext when the sealed original is required.</p> <p>21 __ Waiving the CA Code of Civil Procedure per Stipulation of</p> <p>22 Counsel - Original transcript to be released for signature</p> <p>23 as determined at the deposition.</p> <p>24 __ Signature Waived – Reading & Signature was waived at the</p> <p>25 time of the deposition.</p> <p style="text-align: right;">Page 356</p>
<p>1 I, the undersigned, a Certified Shorthand</p> <p>2 Reporter of the State of California, do hereby</p> <p>3 certify:</p> <p>4 That the foregoing proceedings were taken</p> <p>5 before me at the time and place herein set forth;</p> <p>6 that any witnesses in the foregoing proceedings,</p> <p>7 prior to testifying, were administered an oath; that</p> <p>8 a record of the proceedings was made by me using</p> <p>9 machine shorthand which was thereafter transcribed</p> <p>10 under my direction; that the foregoing transcript is</p> <p>11 a true record of the testimony given.</p> <p>12 Further, that if the foregoing pertains to</p> <p>13 the original transcript of a deposition in a Federal</p> <p>14 Case, before completion of the proceedings, review</p> <p>15 of the transcript () was (X) was not requested.</p> <p>16 I further certify that I am neither</p> <p>17 financially interested in the action nor a relative</p> <p>18 or employee of any attorney of any party to this</p> <p>19 action.</p> <p>20 IN WITNESS WHEREOF, I have this date</p> <p>21 subscribed my name.</p> <p>22 Dated: September 5, 2025</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 355</p>	<p>1 __ Federal R&S Requested (FRCP 30(e)(1)(B)) – Locked .PDF</p> <p>2 Transcript - The witness should review the transcript and</p> <p>3 make any necessary corrections on the errata pages included</p> <p>4 below, notating the page and line number of the corrections.</p> <p>5 The witness should then sign and date the errata and penalty</p> <p>6 of perjury pages and return the completed pages to all</p> <p>7 appearing counsel within the period of time determined at</p> <p>8 the deposition or provided by the Federal Rules.</p> <p>9 _X_ Federal R&S Not Requested - Reading & Signature was not</p> <p>10 requested before the completion of the deposition.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 357</p>